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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, CAMDEN COUNTY
DOCKET NUMBER L-088714-83

MERIL J. REACH, Individually and as Administratrix Ad Prosequendum and Executrix of the Estate of Walter R. Reach,	Deposition of:
Plaintiffs,	GARY STEVEN REACH
vs.	
THE AMERICAN TOBACCO COMPANY, THE AMERICAN TOBACCO COMPANY, A Division of American Brands, Inc., AMERICAN BRANDS, INC., PHILLIP MORRIS, U.S.A., LIGGETT GROUP, INC., BROWN & WILLIAMSON TOBACCO CORPORATION, REYNOLDS TOBACCO COMPANY, and JOHN DOE (1-10),	Wednesday September 26, 1984
Defendants	

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REPORTED BY:

WALTER N. KLAUDER, Certified Shorthand Reporter and Notary Public of New Jersey, at the offices of Budd, Larner, Kent, Gross, Picillo & Rosenbaum, P.C., 216 Haddon Avenue, Westmont, New Jersey, on the above date, commencing at 2:00 P.M.

- - - - - - -

WALTER N. KLAUDER
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A P P E A R A N C E S:

BUDD, LARNER, KENT, GROSS, PICILLO & ROSENBAUM, ESQUIRES,
by STEVEN A. WEINER, ESQUIRE,
and
WILENTZ, GOLDMAN & SPITZER, ESQUIRES,
by PHILIP A. PASIGIAN, ESQUIRE, (Not Present),
Attorneys for Plaintiff;

ARCHER & GREINER, ESQUIRES,
by JOHN B. KEARNEY, ESQUIRE,
Attorneys for Defendant American Brands, Inc.;

BROWN, CONNERY, KULP, WILLE, PURNELL & GREENE, ESQUIRES,
by RAYMOND F. DROZDOWSKI, ESQUIRE,
DENNIS P. BLAKE, ESQUIRE,
Attorneys for Defendant Phillip Morris, Inc.;

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & BERGSTEIN, ESQUIRES,
by NANCY SIVILLI, ESQUIRE,
Attorneys for Defendant Liggett Group;

ROSEN, WEISS, SLATTERY & BERSTEIN, ESQUIRES,
by WILLIAM C. SLATTERY, ESQUIRE,
Attorneys for Defendant Brown & Williamson Tobacco Corporation;

WEBSTER & SHEFFIELD, ESQUIRES,
by STEVEN M. NACHMAN, ESQUIRE,
Attorneys for Defendant Liggett Group;

SHOOK, HARDY & BACON, ESQUIRES,
by STEVEN C. PARRISH, ESQUIRE,
DAVID K. HARDY, ESQUIRE,
Attorneys for Defendant Phillip Morris, Inc.;

SILLS, BECK, CUMMIS, ZUCKERMAN, RADIN & TISCHMAN, ESQUIRES,
by PHILIP R. SELLINGER, ESQUIRE,
Attorneys for Loews Theaters, Inc.;

RIKER, DANZIG, SCHERER & HYLAND, ESQUIRES,
by ANNE M. PATTERSON, ESQUIRE,
Attorneys for Reynolds Tobacco

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I N D E X

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(By agreement of counsel, the signing, sealing and certification of the depositions have been waived; and all objections, except as to the form of the questions, were reserved until the time of trial.)

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GARY STEVEN REACH, having been duly sworn, was examined and testified as follows:

BY MR. DROZDOWSKI:

Q All right, I've introduced myself to you before, but just for the record, I'm Ray Drozdowski. I'm an attorney with the law firm of Brown, Connery, Kulp, Wille, Purnell and Greene. We represent Phillip Morris. I'm going to ask you questions today. I'm not here to trick you or confuse you. So if at any time you don't understand the question, would you please ask me to repeat it or rephrase it? Okay?

A Sure.

Q If you don't hear a question, obviously don't try to answer it, just tell me you haven't heard it, and I'll repeat it. Okay?

A Yes.

Q When I get an answer from you, I'll assume you've heard it and understood it and are answering truthfully to the best of your knowledge. Okay?

A Okay.

Q Did you review any written materials, statements or anything prior to this deposition in preparation for this deposition?

A No.

Q Did you review anything?

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A I spoke with Steve.

Q Your attorney, Steve Weiner?

A Yes.

Q He explained to you what a deposition is?

A Right.

Q Are you on any medication or anything that would affect your ability to understand and answer questions?

A No.

Q When were you born?

A [DELETED]

Q And where were you born?

A [DELETED] Hospital.

Q Dr. Borenstein, he was the doctor?

A Yes.

Q Have you ever used any other name?

A No.

Q Any nicknames?

A No.

Q At what residence was your family living when you came home from the hospital?

A On [DELETED] . I don't recall the address.

Q Do you remember how long you remained on [DELETED] ?

A Six months. I don't recall that, I know that

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from --

Q You're not one of those people that has total recall?

A I don't remember that.

Q So you don't have any recollection of anything occurring at the Walnut Street address?

A No, I don't.

Q Following your move from [DELETED] , you went to [DELETED] ?

A Yes.

Q What's the address, please?

A [DELETED]

Q And is that where you presently reside?

A Yes.

Q And who lives there with you now?

A My mother.

Q And that's Marie Roach; right?

A Yes.

Q While you were living there six months after you were born till the present time, who else lived at that residence?

A My father and my sister.

Q And your father's Walter Roach?

A Yes.

Q And your sister's name?

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A. Susan.

Q. How long did Susan live at that residence?

A. Till she went to college.

Q. And what year would that have been?

A. I don't know, to be honest with you. She graduated high school in '74, so probably till '74, '75. And she lived in the summers there for a while.

Q. With Susan, she started off in college in '74, '75, and she would be living away from home?

A. For nine months.

Q. Then coming home for the summers?

A. Right.

Q. And I understand she went to law school, too?

A. Yes.

Q. Would that be the same?

A. No. She hasn't lived at home, I would say, since the end of her sophomore year in college.

Q. How about you, have you been living at home regularly since six months after your birth?

A. Well, I also lived at college.

Q. What college was that?

A. Saint Joseph's.

Q. Over at Fifty-sixth and City Line?

A. Right.

Q. And you lived on campus?

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A Yes.

Q And that would be basically from September through May?

A Right.

Q Of each year. What years were you in college?

A '80 to '84.

Q Do you have any knowledge of where your family resided before [DELETED] ?

A Vaguely. I can remember some street names.

Q Who told you that?

A Both my mother and father.

Q And what do you remember?

A They had a house on [DELETED] .

Q Did they ever take you up there and show you that?

A Yes.

Q Can you describe what you saw of the house?

A Oh, I don't remember their house at all.

Q You don't?

A No.

Q When were you up there?

A Last year. I was there before that, but I don't recall it at all.

Q You have no idea whether it's three stories, one story?

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A No, I really have no clue. I don't remember their house at all. I remember the house next to them, but -- I remember being there.

Q Any other residence that your parents told you they lived?

A They lived in Camden.

Q Did you ever take a trip down there?

A No. That's a long time ago, I mean --

Q What I'm trying to find out, did your parents show you where they lived, have a trip or family outing or something like that?

A Just to [DELETED] , not to Camden.

Q Did your father ever tell you where he resided during his lifetime?

A Yes.

Q Tell me everything you know about that.

A Well, he lived in North Jersey in Jersey City and in Hoboken. We did go up there a couple times. I really don't remember it very well. I don't remember my grandparents' house.

Q Well, do you have any recollection of any home that you can specifically describe to us, its location, the area, what kind of area it's in, residential?

A Where he used to live?

Q Yes.

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A No.

Q From what he told you and what you remember?

A No, I really don't know.

Q You mentioned Jersey City and Hoboken. Did you go to Jersey City at some time to look at your father's home or where he resided?

A No, not to look at his home, just the town.

Q Your answer is you don't know where he lived?

A No.

Q And you don't know where he lived in Hoboken?

A No, I don't know. You know, I just don't know.

Q Do you know any other address of any place he lived in any part of his lifetime?

A An address?

Q Or a location, town. You mentioned Jersey City, Hoboken. Do you know anything else?

A I know for a while he was in Detroit. He was in Chicago.

Q How do you know he was in Detroit?

A He told me. He used to organize unions there or something.

Q What did he specifically tell you?

A I remember him telling me about unions, that's about all I can remember, in Detroit. In Chicago, I think he was painting signs.

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Q Did he tell you anything about what he did as a painter?

A Yes.

Q What did he tell you?

A I can remember him telling me he worked for Exlax painting signs. He worked for a Chinese laundromat. Exlax, he had a partner, I don't remember his name.

Q Did he tell you what the job consisted of, what materials he used? Did he mention anything, anything that you can recall about the work itself?

A The material, no, not -- I can remember him saying they had to take pictures, pictures of what they were going to paint and send it in to the company. As far as what he used to paint the signs, I have no idea.

Q Did he ever tell you he painted with gold leaf?

A Yes.

Q What did he tell you?

A Okay, he told me he was supposed to paint with gold leaf one time, and they used mustard instead.

Q Seems to be a family classic?

A Oh, you heard that before?

Q Yes.

A That's a good story.

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Q Any other tales that you recall?

A He was knocked off a sign one time. Other than that, he never told me about materials. He wasn't -- he never -- no. I don't think he was really into the paint.

Q Did he ever tell you he was in the neon sign business?

A Yes.

Q What did he tell you about that?

A He did the neon signs for the Essex House.

Q In New York City?

A No. Is there another one in New Jersey?

Q I guess so.

A Not the one on Central Park.

Q Did he tell you how he got involved with neon signs and what he did?

A No, I really don't know how he got involved in neon signs.

Q Did he mention anything about the use of neon gas?

A No. Yes, he did -- I don't, I don't really recall him saying how he got into that business or what he did, except for with the Essex House, just how they -- apparently you have to put the transformers together, they all have to run together in different

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letters, but nothing about how he used the gas.

Q Did he explain to you how neon worked, how the neon signs worked, how it lights up, what the scientific basis is?

A No.

Q Do you have any other information with regard to his residences or your family residences that you haven't told me?

A I remember them saying -- I know he lived right off of Kaighns Avenue, or right off of Haddon and Kaighns Avenue. I know he had a shop on Kaighns Avenue, and he lived close by.

Q Kaighns Avenue?

A No, I'm sorry. Haddon Avenue.

Q Did he ever take you there?

A Yes.

Q Are you familiar with the streets of Camden?

A I'm familiar with Haddon, I know where his shop was.

Q Do you know where Haddon and Kaighns, the intersection is?

A Yes, I think there's a drug store there.

Q Was his shop below Haddon and Kaighns, that is going towards the northern side, towards where the bridge would be? Or would it be towards Our Lady of

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Lourdes?

A It was towards Our Lady of Lourdes.

Q Was it within a block or two of Our Lady of Lourdes?

A I don't really know.

Q Do you remember any addresses?

A No.

Q How many shops did he tell you that he had in Camden on Haddon Avenue, one, two, three?

A Well, he may have told me, I only remember one.

Q Anything else that you recall about residences or places of business, your father, mother tell you?

A Yes, I think -- I remember River Road. I don't know if they lived there or he worked there.

Q Did you ever go out there and look at it?

A River Road?

Q Yes, where your parents lived.

A No.

Q Anything else?

A Wait a minute, we haven't discussed my mother --

Q I understand she lived on [DELETED] ?

A Kenwood Avenue.

Q I assume you visited there?

A Yes.

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Q Any other place you haven't mentioned?

A Let me think. Where we lived -- that's really all -- I really don't know.

Q Are you single?

A Yes.

Q You've never been married?

A No.

Q Can you tell me about your education? Where did you go to grammar school, high school?

A I went to Saint Rose.

Q Is that in Haddon Heights?

A Yes.

Q How many years?

A Eight.

Q Then where did you go?

A To Paul VI High School.

Q Haddon Township?

A Yes.

Q What course of study did you take there? College prep?

A College prep, yes. I don't know if they called it that. Then I went to Saint Joe's. Studied for six months at the University of London.

Q That's a scholarship or grant that you got?

A No. That's just an exchange program.

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Q How was that paid?
A I paid it.
Q What course of study did you take at Saint Joe's?
A I was an economics major.
Q And what is your degree?
A B.A.
Q In economics?
A Yes.
Q Have you been employed?
A Yes.
Q Tell me all the employment you've had?
A All my employment, okay?
Q Yes. That means working within the house and outside the house.
A Okay. I worked for Circulation Marketing Promotions.
Q What is that?
A They do telephone sales work. As a solicitor.
Q Where are their headquarters?
A They're no longer in business.
Q Where did you deal?
A Somerdale, New Jersey.
Q Where in Somerdale?
A 123 White Horse Pike.

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Q What part of your life was that?
A When I was sixteen.
Q How long did you do that?
A Till I was eighteen.
Q Was this during school, after school?
A After school, during school, after school, and then summertime. I had driven a Mr. Softee truck.
Q That's the outfit on Cuthbert Boulevard?
A No. It's on Clements Bridge Road. The depot?
Q In Barrington?
A Yes.
Q When did you start working there?
A I worked there for about two months, about sophomore year in college.
Q Summertime?
A Yes.
Q And what year would that have been?
A '82. Mostly I worked for --
Q Why did you leave that place?
A I got another job.
Q What other job?
A I worked for East Coast Newspaper Sales.
Q What did they do?
A They sell newspapers.
Q What kind of newspapers?

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A USA Today -- you want me to name all the papers?

Q Yes.

A USA Today; New York News; Pittsburgh Press; Pittsburgh Press Gazette. Mostly USA, though.

Q Where were they located?

A Tuckerton, New Jersey.

Q What's the address?

A I don't know that they have a street. As a matter of fact, it's moved, it's now in Cardiff. They moved.

Q Are you still working for them?

A Yes. I don't know the address, the corporate address.

Q Who's your supervisor or boss there?

A Phil Pheffer.

Q And where would he be found?

A In Tuckerton, 8 Boat Drive.

Q How long did you work for East Coast?

A Since '82. That same summer.

Q June of '82?

A Yes. July, I believe, would be better.

Q That would have been at the end of your sophomore year?

A Right.

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Q Did you work for them the rest of that summer?

A I've worked for them ever since.

Q While you were going to school, you still worked for them?

A Yes.

Q How did that work? How many hours?

A I worked about twenty hours a week. I also worked at Radio Shack.

Q Now, on East Coast Newspaper Sales you worked your junior and senior year and in the summers for them?

A Yes. In my sophomore year or -- sophomore year of college, I wasn't -- I was in England, so I had no employment there. I wasn't working for them then, no.

Q You started school in September of '80?

A Right.

Q And your freshman year would have been over in May of '81. Your sophomore year would have been September of '81, May of '82. Is that right?

A Yes. So January of '82 to May of '82 I was --

Q In London?

A Right.

Q And you came back in that summer of '82 and you began working for East Coast Newspapers Sales?

A Right.

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Q And you continued working for them the rest of your college career?

A Well, I did work for Radio Shack for a while during college.

Q You worked both jobs?

A No, I wasn't working with the East Coast, I mean there was nothing to do.

Q When did you work for Radio Shack?

A My junior year, I guess, '83 -- my junior year.

Q I think that would have been September of '82 to May of '83?

A It was from January -- no, I'm sorry, it was from September.

Q September of '82?

A Yes.

Q Till when?

A '82? The year change in the school year, that's the problem. Yes, it must have been '82.

Q How long did you work for Radio Shack?

A About four months.

Q What Radio Shack did you work for?

A Bala Cynwid.

Q Where is it located?

A On City Avenue.

Q The address?

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A Bala Shopping Center. I don't really know the address.

Q What did you do there?

A Sales clerk.

Q How many hours did you work?

A I worked about twenty hours a week.

Q Who was your supervisor?

A Scott Collins.

Q And eventually you returned after that to East Coast Newspaper Sales?

A Right.

Q That's your present employer?

A Right.

Q So from the time you finished working for Radio Shack, you've primarily or principally been employed by East Coast Newspaper Sales?

A Right.

Q Where do you work out of at the present time?

MR. WEINER: Objection. What's the relevance of that?

MR. DROZDOWSKI: You got a claim -- it goes to damages. You're claiming that he was a dependent, and we have a right to show what his --

MR. WEINER: You have that right, but

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none of these questions seem to get into that area at all.

MR. DROZDOWSKI: Oh, I think they do.

MR. WEINER: All right, I'll wait and see.

BY MR. DROZDOWSKI:

Q Where do you work out of at the present time?

A Wilmington, Delaware.

Q What's the address, please?

A It's Independence Mall, Suite 28.

Q Who is your supervisor?

A I am.

Q What is your job title?

A Account manager.

Q What are your duties?

A Hiring, firing, motivating, training the sales crew.

Q What are your hours?

A There are no set hours. We work from 9:00 to 9:00. So --

Q Now, have you told me all of the places you've worked for, all the jobs that you've had?

A Well, I left out, I left out the paperboy.

Q When were you a paperboy?

A Well, I used to start when I was -- I don't know. When do you start? I guess when --

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Q I don't know.
A I don't know.
Q I'm asking you.
A I don't know. I don't know right off the bat what year. When I was in the seventh grade, so go from that. That's right.
Q How long were you a paperboy?
A Till eighth grade.
Q Any other jobs?
A Yes. I worked for America Media Services.
Q When?
A Senior year of high school.
Q What is that?
A Newspaper sales place.
Q What did you do there?
A Account manager.
Q Where is America Media Services located?
A It's in Williamstown.
Q Do you have an address?
A No, I really don't.
Q Who was your boss?
A Jack Boyle.
Q When you say "account manager," what's that mean?
A Well, for each newspaper that we sell, we have an office, for each office -- an office is called an

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account. I run the account, the office.

Q And you're selling newspapers?

A Yes, over the phone.

Q What papers are you selling?

A When?

Q When you were the account manager.

A Of which account?

Q Tell me what accounts you've worked for.

A I worked for the Bulletin. I worked for USA Today. I worked for a little paper, Retrospect, and Cam-Glo.

Q Did you have any other jobs?

A I can't really think of any.

Q Did you ever work with or for your father?

A Yes. But I don't really consider that a job. I didn't get paid.

Q Well, tell me what you did with and for your father.

A He had a business, he was making some souveniors for the bicentennial.

Q And this would have been sometime around '75?

A '75, yes.

Q What was the name of the business?

A Walter Reach Productions.

Q You were making what for the bicentennial?

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A Souveniors.

Q What kind of souveniors?

A Quill pens, ball point pens, a lot of feathers, a lot of feathers. Well, the quill feathers. And he heat-sealed them. I mostly heat-sealed the packages.

Q So you made like the quill pens; right?

A Well, the ducks actually made the pens. Yes, we made the pen part, and stuck them in a bag and heat-sealed it.

Q When you say "heat-sealed," what do you mean?

A There's a machine that runs a strip of heat, and as it comes out, it seals the plastic together.

Q Was this down in the basement?

A Yes.

Q Was some part of that machine real hot?

A No, it doesn't really -- I imagine where the heat, just for that, just the -- the top thrust that comes down. But if you put your finger in it, which I did, it's not really hot. It wouldn't burn you.

Q Was the plastic melted in some way?

A Yes.

Q Were there fumes that came off of that?

A No. It was an electric machine.

Q Did your father use that machine?

A Yes.

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Q Who else worked with you on this souvenior bicentennial thing other than your father?

A My mother, Brian Frain, maybe -- there are other kids around the neighborhood that probably helped out, too.

Q Give me some names.

A Jeff Thompson --

Q How do you spell Thompson? T-H-O-M-P-S-O-N?

A I would imagine. I think maybe Michael Frain.

Q Brian's brother?

A Right.

Q Anybody else?

A Yes, my cousin Greg Costino. I'm not sure I can remember.

Q Where did this Michael and Brian Frain live?

A Brian Frain lives at [DELETED] .

Q How old is he now? That's Audubon; right?

A Yes. I don't know how old he is.

Q Is he older than you?

A No, he's younger than me.

Q A couple years?

A Yes. Went to the same college.

Q What college?

A Saint Joe's.

Q How about Mike?

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A Two years older than I am.

Q Do you know where he lived?

A [DELETED]

Q Do you know the address?

A No.

Q Where does Jeff Thompson live?

A Louisiana. I don't have any idea where.

Q How old is he?

A He's a year younger. He must be twenty-one.

Q And Greg Costino lives where?

A I don't know. I really don't know.

Q How old is Greg?

A I don't know. He's older than I am, quite a bit.

Q Would he be in his thirties?

A I really don't know. I really can't tell you.

Q Would you fellows work down in the basement mostly?

A Yes.

Q Your father worked there?

A Yes.

Q Was Brian Frain a smoker? Did he smoke cigarettes?

A No.

Q Michael Frain smoked cigarettes?

A No.

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Q Jeff Thompson smoke cigarettes?

A I don't think so.

Q Greg Costino smoke? Do you know?

A I don't know. They didn't then, I know that.

Q Your father worked down there with you?

A Yes.

Q And he was a smoker?

A Yes.

Q How long a day did you guys spend down there?

A I only spent a couple hours a night, maybe three hours at night.

Q Were the other fellows there at that time?

A Right. Except for Greg, who worked for a while all day.

Q Was your father there when you were there?

A Yes.

Q Do you know what Brian Frain's attitude toward smoking was?

A No.

Q Did he make any comments about people smoking in front of him?

A No, I don't recall that.

Q How about Mike?

A The thing is when we were down in the basement working, it was like an assembly line, so we didn't

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talk a lot.

Q Well, I'm just asking do you know what Michael's attitude was towards smoking, or not?

A No, he didn't really talk about it.

Q How about Jeff Thompson?

A It's not something that we talked about.

Q How about Greg Costino?

A I never talked to him about it.

Q When your father was down there, would he smoke?

A Yes.

Q Smoke very much?

A Very much?

Q Continually?

A Yes, I would say he did smoke continually.

Q Did anyone in this group comment to him about his smoking?

A Probably me.

Q Do you remember what you said to him?

A "Stop."

Q Why did you say that?

A Because it bothered me, I mean the smoke.

Q In what way did it bother you?

A Irritates my eyes.

Q Is that the only reason you asked him to stop?

A Yes.

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Q There was no other reason?

A I was afraid possibly we could have caught something on fire. Mostly because it bothered me.

Q And what did your father say to that?

A Nothing.

Q Did he continue smoking?

A Yes.

Q How long did you work at this job for Walter Reach Productions?

A Couple months, maybe half a year.

Q Any other work that you did with your father, or for your father?

A Besides Walter Reach Productions, you mean?

Q Yes. That period '75.

A Oh, no, that was it.

Q You've told me now all the jobs you've had, whether you were paid for or weren't paid for?

A No. I cut lawns for a while.

Q When was that?

A That was while I was working for Circulation Marketing.

Q Just so I can get a time frame --

A That might have been '80, '79 or '80.

Q Cut your own lawn?

A Do I?

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A Yes. Retta Costino, Greg, these are all going to be Costinos, Greg, Jerry --

Q Is that John's kid?

A Yes. These are all his kids. Greg, Jerry, Loretta, Barbara Ann, Theresa, Kathy. Okay? Another family is Ed Costino, Ann --

Q His wife?

A Yes. Kim, I forget the other brother -- John, Ed, I mentioned Vince, I went through that family. All right, then there's Tess Grunwald --

Q She used to be a Costino?

A Yes, I would imagine.

Q Tess Costino Grunwald?

A Right. I only know her as Tess Grunwald.

Q What's her husband's name?

A I haven't met him. His name's -- he's dead. I don't know.

Q Anybody alive in that family?

A Then there's Catherine Siderio. Joe Costino, Eleanor Siderio, that's it for that family. Frank Siderio, Marge Siderio, Barbara Siderio, Paul Siderio. Okay, how about if I get a couple of Reachs, too?

Q Fine.

A Al Reach, Sara --

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Q Sara's his wife?
A Right.
Q Anybody else?
A I must be missing some kids, some cousins. Well, I went through John, Vin, Ed, Joe.
Q I don't think you mentioned Joe.
A Yes, I did, right under Catherine Siderio. Larry Costino.
Q His wife?
A I don't think he's married.
Q Did he have any kids?
A Yes, he did. I don't know them, though.
Q Any other relatives?
A Relatives? Yes, okay, Francis Siderio --
Q C-I-S, C-E-S?
A It's male. Kay Siderio.
Q Anybody else?
A You want me to throw out names I would recognize?
Q Yes.
A All right. There's another John Siderio -- that's the only John Siderio. And I don't really know their kids' names. That's about it for relatives. There's Sue, my sister Susan Reach.
Q Vincent Costino, Janet Costino are married?

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A Right.

Q Where do they live?

A [DELETED]

Q Does Vincent smoke or ever smoke cigarettes?

A I don't know. His wife does.

Q Do you know what she smokes?

A What brand?

Q Yes.

A No.

Q How about Bob Costino, where does he live?

A He lives in Clementon, New Jersey.

Q Do you know the address?

A No.

Q How old would he be, approximately?

A Thirty.

Q Do you know if he smokes or smoked?

A I don't think so.

Q How about Linda Costino, do you know where she lives?

A She lives on [DELETED] .

Q Mount Ephraim?

A Mount Ephraim.

Q Does she smoke?

A I don't think so.

Q Did any of these people, Janet, Vincent, Bob or

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Linda, do you know what their attitude towards smoking is?

A No. Well, Janet smokes. I don't know the other three.

Q Do you know if any of them objected to your father smoking?

A No. As a matter of fact, I know Janet didn't.

Q How about Vincent, did he ever say anything about your father's smoking, make any comments to him?

A Not that I know of.

Q Did your father ever say anything to them with regard to smoking?

A I don't know.

Q Did he ever say anything to them like you better not smoke, don't start smoking, or give up smoking?

A Did he ever?

Q Yes. Do you know?

A No. No, I don't know.

Q As far as you know?

A Yes, as far as I know, no.

Q Where does John and Retta Costino live?

A [DELETED]

Q Do you have an address?

A No.

Q Were either of them smokers?

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A Both of them were at one time. Retta still does.

Q Did John give it up?

A Yes.

Q Do you know how he gave it up?

A Yes, he started chewing tobacco.

Q Did John ever discuss smoking with your father?

A I recall them talking about it.

Q What do you recall?

A I recall John saying, "I quit." They were talking about quitting. My father said, "Big deal! You chew tobacco." I do recall them talking about it.

Q Did John tell your father that he should stop smoking?

A I don't recall that. I remember them talking about ways to quit.

Q Tell me what the conversation was.

A Things like -- well, my father would say, "I can't quit." He would say, "Well, I quit." And he would tell him, you know -- and my father would say, "You quit, well, what good is it doing you, you chew tobacco?"

Q How about the children, Greg Costino?

A Do they smoke?

Q Yes.

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A I think he does. I know Barbara Ann does. Did I mention her?

Q Yes.

A The other ones, I'm not sure.

Q Do you know where Greg Costino lives?

A I believes he lives in Somerdale.

Q Do you know the address?

A No.

Q How about Jeffrey?

A Who?

Q Is there a Jeffrey Costino?

A No. Jerry. He lives in Wildwood.

Q Is he a doctor?

A Yes.

Q Does he smoke?

A I don't know. I don't think so.

Q Do you remember any conversations taking place between your father and Jerry Costino discussing smoking?

A No.

Q How about Loretta, where does she live?

A I don't know.

Q And I think you said she was not a smoker?

A I don't know. I don't know.

Q Where does Barbara Ann live?

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A In Houston, Texas.

Q Do you have an address?

A No.

Q Where's Theresa live?

A She lives on [DELETED] . She smokes.

Q How about Kathy, where does she live?

A Marlton, but I don't know the address.

Q Marlton, New Jersey?

A Yes.

Q Is she married?

A Kathy, yes.

Q Do you know what her name is?

A No.

Q Do you remember any of these children of John and Retta Costino ever telling your father that he ought to stop smoking?

A No.

Q Do you remember ever hearing any conversations between them and your father with regard to smoking?

A No.

Q Do you remember your father telling them that they ought to stop or not start smoking?

A No. They're a lot older than I am, so I don't recall them with my father.

Q Did they ever talk to you, your sister or

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mother about your father's smoking?

A No.

Q Ed Costino, where does he live?

A [DELETED]

Q Do you have an address, number?

A No.

Q Ann lives with him?

A Yes.

Q And does Kim live there?

A Yes.

Q How old would Kim be?

A She's in like junior high school.

Q Did Ed Costino smoke?

A I don't know.

Q As long as you've known him, have you ever seen him smoke?

A No.

Q Do you know if he quit at some point?

A That's what I don't know.

Q How about Ann, is she a smoker?

A Yes, I think so.

Q Do you know what Ed's attitude towards smoking was?

A No.

Q Do you know whether he ever spoke to your

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father about smoking?

A No.

Q Do you know whether he discussed with your father quitting smoking?

A No, I don't recall him talking to him.

Q Do you recall your father ever telling Ed or Ann or Kim anything about smoking?

A No.

Q Where does Tess Grunwald live?

A She lives in [DELETED] .

Q Where's that? [DELETED] ?

A Yes.

Q Is she a smoker?

A Yes.

Q Did she ever talk to you about smoking?

A No.

Q Did she ever talk to your father that you know of?

A No, never. The whole time that both, that he was alive, I never had met her.

Q Where Catherine Siderio live?

A [DELETED] .

Q Where's that?

A [DELETED].

Q And Joe Costino, do you know if Joe smokes?

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A He quit. He used to smoke.

Q Do you know how he quit?

A What devices?

Q Cold turkey?

A I think so.

Q Did he ever talk to your father about quitting smoking?

A Yes.

Q You heard these conversations?

A Yes.

Q What did he tell your father?

A He quit smoking and started to eat.

Q What was your understanding of that?

A What do you mean? That's -- what do you mean?

Q What did he mean by that? If you know.

A What did Joe mean by that? He meant when he stopped smoking he gained about fifty or sixty pounds.

Q Well, did he tell your father that he ought to stop smoking?

A I don't recall that. What I do recall of the conversation, my father didn't want to gain that much weight to quit smoking.

Q Excuse me, I didn't hear that, your father didn't want to lose so much weight --

A Gain so much weight.

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Q So?

A When he would talk to Joe about it, he would say, you know, "If I stopped smoking, I'm going to end up looking like you."

Q Do you have any recollection of any conversations with Catherine Sideric with your father about smoking?

A No.

Q Eleanor Siderio, where does she live?

A [DELETED]

Q Where does she live in Wildwood?

A I don't really know. [DELETED]

Q Is she a smoker?

A I don't know.

Q Do you recall her and your father discussing smoking?

A No.

Q Where's Frank Siderio live?

A He lives on [DELETED]

Q What's the address?

A [DELETED]

Q And Marge lives there with him?

A Yes.

Q Either of them smokers?

A I don't know.

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Q Do you know what their attitude towards smoking is?

A No.

Q Do you know if they made any comments to your father about his smoking?

A No, I don't know.

Q Barbara Siderio and Paul Siderio, where do they live?

A Paul lives in Philadelphia. Barbara, I don't know.

Q Do you know what Paul's address is in Philadelphia?

A No.

Q Were either of those people smokers?

A I don't think so.

Q Do you know what their attitude is towards smoking?

A No.

Q Do you know if they had any discussions with your father about smoking?

A No, I don't.

Q Do you know if they made any comments to him about his smoking?

A No, I don't know that. I don't think they were very close to him.

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Q Al Reach and Sara Reach, where do they live?
A Naples, Florida.
Q Is Al a smoker?
A Yes.
Q Still smoking, so far as you know?
A I just saw him like six months ago. Yes, I think so. I know Sara does.
Q Sara's a smoker, you say?
A Yes.
Q Do you know what they smoke, what brand?
A No.
Q Do you know what their attitude towards smoking is?
A What do you mean?
Q Well, do they have a position? I mean what's their feeling about smoking? Do they ever comment to you?
A No.
Q Do you know whether they have talked to your father about his smoking that you know of?
A No, I don't know. No, I don't know.
Q Where's Larry Costino live?
A I don't know. Somewhere in New Jersey.
Q Is he single or married?
A He's divorced.

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Q Is he a smoker?
A I don't know. No, I don't think so.
Q Do you know what his attitude towards smoking is?
A No.
Q Do you know whether he's ever talked to your father about your father's smoking?
A No, I don't. I don't think they talked.
Q Francis and Kay Siderio, do they live together?
A Yes.
Q Where do they live?
A They live in Philadelphia.
Q What's the number?
A I don't know.
Q Either of them a smoker?
A Kay.
Q Do you know if Francis ever gave up smoking?
A No, I don't know if he has.
Q Do you know whether they had any discussions with your father about smoking?
A No, I don't, no.
Q How about John Siderio, do you know where he lives?
A No, I don't know where he lives.
Q Is he a smoker?

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A I don't think so.
Q Do you know what his attitude towards smoking is?
A I have no idea.
Q Do you know whether he talked to your father about smoking?
A No, I don't. The only one that would have been, would have been Ed, Ed and John.
Q Did they have attitudes towards smoking?
A I think they all quit, and Joe.
Q Did they suggest to your father he ought to quit?
A Yes.
Q Did they tell your father why he quit?
A Just saying it was no good for you.
Q Did they specifically say why it was no good?
A No.
Q Did they refer to any type of disease or health process that cigarettes would cause?
A John said he felt a lot better after he quit, that's about it.
Q Did anybody ever say, well, look, or words to the effect, you know, smoking can cause certain diseases?
A I really can't recall any conversations like

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that.

Q Did you ever hear him say if you keep smoking you're going to get lung cancer?

A Yes, I've never really heard those conversations. John may have said that, I can't say for sure.

Q Did anybody, while your father was alive, say if you continue smoking you're going to get lung cancer?

A Yes.

Q Who's that?

A My sister Susan.

Q When did she say that?

A Her entire life.

Q Do you have any friends or people you've worked with who also knew your father?

A Do I have any other friends that knew my father?

Q You mentioned some people, and you mentioned your relatives?

A Yes.

Q And you mentioned some people while you were working down the basement?

A Right.

Q Do you have friends and co-workers at the

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different places you worked that also knew your father?

A Yes.

Q Who is that?

A Nancy Petrongolo.

Q Do you know how to spell that?

A P-E-T-R-O-N-G-L-O, or G-O-L-O.

Q Is Nancy single or married?

A Married.

Q What's her husband's name?

A Greg.

Q How do you know him or her?

A She lived two doors down from me when we were growing up, and I went to school with Greg.

Q Where does Nancy live?

A They live on [DELETED] .

Q In [DELETED]

A Yes.

Q Do you know an address?

A No.

Q How often would they see your father?

A Nancy saw him every day.

Q And she would be your age?

A Yes.

Q Is she a smoker?

A No.

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Q Does she have any feelings or attitudes about smoking?

A I've never really talked to her about it.

Q You say you don't know what her attitude is; is that right?

A Right.

Q Did she ever talk to your father about his smoking?

A I would say my father talked to her about it.

Q What did your father say to her?

A He would say, "Don't start smoking."

Q Do you know way your father said that? Did he explain why?

A "It's no good for you."

Q Did he tell her why it wasn't good for her?

A He used to say it all the time. After he'd been coughing, he would say it.

Q Did he say why it's no good for you?

A "It's no good for you, it makes you cough."

Q Anything else?

A Yes, I guess I'm thinking now more what he would say to me then Nancy.

Q What did he say to you?

A "Don't start, you'll end up, you'll end up like me. You know, I can't stop coughing. I can't quit."

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Because I would tell him, well, "Why don't you stop?" He would say, "I can't."

Q Anything else that you recall of these conversations he had with you?

A With me?

Q Yes.

A Yes. He would say, you know, "It's a dirty habit." And he used to say, "It's expensive." That's really, that's about all I can recall.

Q Let me ask you this, when did he start telling you not to start smoking? At what time of your life?

A I think I can remember him saying that, I guess, pretty early, like around nine, eight or nine.

Q Did he continue repeating the story to you?

A Yes, he used to say it a lot as I was growing up. Then he would say -- about high school, he changed -- he said, "I'm glad you never started."

Q But you got this on a regular basis?

A Yes.

Q To keep you from smoking?

A Are you asking me why he said it?

Q Yes. I assume, would I be fair in assuming he didn't want you to start smoking?

A Yes, that would be --

Q Am I also fair in assuming that he told your

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sister that, too?

A Yes.

Q At any time when he would tell you don't start, you'll end up like me, I can't stop coughing, the other things you've mentioned, did he ever tell you any specific diseases that he thought smoking could bring on?

A Well, we would, you know, the way that that came up is mostly if we said something to him about cancer.

Q Tell me how that would come up?

A Like if I would say -- this is later, I was growing up, it was mostly him telling me "Don't start smoking." He used to go on little monologues about it when we were sitting there, "Don't either of you start," I remember that. Then when we were trying to get him, when we would say, "You ought to stop smoking, you know, it can cause, you know, you'll get cancer."

Q And what period of time, what was your age when you would say to him "You'll get cancer."?

A High school.

Q So this would be in the --

A '77.

Q In that time. You wanted him to stop smoking?

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A. Right. Mostly we used to discuss it at dinner when he couldn't stop coughing.

Q You would tell him you'll get cancer from smoking?

A. Yes.

Q. You canget heart disease?

A. I don't think that really came up.

Q. You were more concerned about cancer?

A. Yes.

Q. What did he say in response to that?

A. He used to shrug it off occasionally. He used to say, "I take vitamins."

Q. Did he say any other reason why he continued smoking, whe you say, listen, dad, you can get cancer from smoking, why don't you quit?

A. He told me he couldn't. He told me he tried to quit.

Q. What did he mean by saying "I take vitamins."?

A. He thought vitamins would prevent him from being sick.

Q. Would prevent him from getting cancer?

A. I don't know if he thought that. I got that impression.

Q. What vitamins do you know that he was taking?

A. The big vitamin was C.

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Q Are you a vitamin taker?
A Yes.
Q How much C did he take?
A About four to six grams a day. That's a lot of vitamin C. He took A.
Q Did he take that at one time?
A No. He would take them all at once.
Q Pill form or capsule or what?
A Capsule.
Q Was he one of those that went for natural vitamins?
A Yes, absolutely, only natural.
Q Did he tell you why he thought natural?
A He thought they were better.
Q You said four to six grams of vitamin C. How much vitamin A?
A I think two vitamin A, ten thousand I.U., maybe two E, zinc.
Q Do you know the dosage of E?
A I think they were ten thousand.
Q Each?
A Yes.
Q And any other vitamins, minerals or anything else he would get from the health food store?
A Yes, wheat germ.

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Q You mentioned zinc?
A Yes.
Q Do you know how much he would take?
A No. Just one tablet.
Q Do you know what the strength of the zinc was?
A No.
Q So he took C, A, E and zinc on a daily basis?
A Yes, and B.
Q What B?
A I think a B complex.
Q Any other things he took?
A Wheat germ, brewers yeast. He used to take cod liver oil for a while. He took that for a while.
Q Anything else?
A That's really all I can remember.
Q So he would also tell Nancy Petrongolo not to start smoking?
A Yes.
Q Any other friends?
A Mike Frain.
Q Did he tell him not to smoke?
A Yes.
Q Anyone else?
A Possibly Jeff. Jeff was around.
Q Jeff who?

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A Jeff Thompson. Brian Frain.

Q Anybody else?

A That's about it, who's living. I mean there's --

Q I'm talking about somebody that's alive.

A That's it.

Q While you were going to school and up to the present time, were you a member of any clubs or organizations that your father participated in with you?

A No.

Q I know you're coughing, but I'm going to ask these questions any way, how's your present health?

A It's fine. I can't get rid of that cough, I don't know what it is.

Q Do you smoke?

A No.

Q Have you ever smoked?

A Sounds like it.

Q Have you ever?

A No, never.

Q Have you ever had tuberculosis?

A No.

Q Have you ever had any viruses?

A I suppose.

Q Any serious illnesses during your lifetime?

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A No.
Q Any tumors or growths?
A No.
Q Ever have been diagnosed as having any type of cancer?
A No.
Q Have you been hospitalized during your lifetime?
A No.
Q Who has been your doctor throughout your life?
A Jules Sorenstein.
Q And would you see him on a regular basis?
A No, no. Just for one year of treatment of allergies, that was a regular basis. Other than that, no.
Q Is he an allergist?
A No. I went to him.
Q Does he have a specialty?
A Yes, he's a gynecologist-obstetrician.
Q Was he your father's doctor, too?
A Yes.
Q You hesitated. Is there a reason?
A He never saw him on a regular basis.
Q Did your father ever tell you what his attitude towards medicine and doctors was?

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A Yes, he hated doctors, didn't think they knew very much.

Q That's his attitude?

A I would say that sums it up.

Q When was the first time he relayed this to you?

A I would say about sixth grade.

Q Did he ever tell you that he thought more about medicine than doctors did?

A Not in so many words.

Q Well, was there an impression in your mind that that was his attitude?

A No, I wouldn't -- he said they were very good butchers, they knew what they were doing in surgery. As far as preventative medicine, he didn't think they knew anything.

Q He thought he knew more with his vitamins?

A Right.

Q Were your father's parents dead by the time you were born?

A No. His father was.

Q His mother was alive?

A Yes.

Q Do you remember meeting her?

A Yes.

Q Do you know where she was living when you met

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her?

A. In North Jersey. I don't know exactly where.

Q. How old were you at that time?

A. Four or five.

Q. Did you know your father was previously married?

A. Yes.

Q. Did you ever meet his wife?

A. No.

Q. How would you characterize the marital relationship between your parents?

A. How would I characterize it? I don't --

Q. Were they ever separated?

A. Yes.

Q. When was that?

A. About sixth grade. No, I don't think that's right. I really don't remember. I think it may have been before sixth grade. It was. Maybe '74, '75, somewhere around there. I don't remember the exact year.

Q. Well, do you know the reason for the separation?

A. They weren't getting along.

Q. Do you know how the separation worked, who went where?

A. Yes, my mother left.

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Q This would be at Washington Terrace; right?
A Yes.
Q Do you know where she went?
A Yes, she went to Wildwood.
Q To see whom?
A Her aunt.
Q Siderio?
A Yes.
Q Which Siderio was that?
A Eleanor.
Q Did she stay there?
A About a week.
Q What happened after that?
A She came back and lived there, and then I guess they had it all out again and they started talking again.
Q When you say "They had it all out again" --
A Well, they had a huge fight. The more I think about it, I think it -- I think I might have been older. I think I was older, as a matter of fact.
Q About what age were you?
A Yes, it was. Gee, maybe early teens. I hate to give you the wrong information --
Q You're talking about when you're thirteen, fourteen, twelve, somewhere in that area?

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A Yes, maybe even longer, maybe older, maybe even thirteen, fourteen. No, I was a lot older than that. I think I might have been thinking about two incidents, one where she left, and that was when I was younger. As a matter of fact, I'm sure of that. When she was in Wildwood, I was young, that was about '75. Then there was another time, I don't know if there was a physical separation, you know, if they physically separated when I was older, like seventeen. That's why --

Q Back in '75, do you know what the problem was that brought on the separation?

A Money -- no, I really don't.

Q When you were older and there was another what you described as a fight without a separation, do you know what the problem was that brought that on?

A That was mostly money, his spending of it, his business.

Q In '75 when there was a money problem, what did that mean to you? What was the problem? What money?

A Well, he was spending too much.

Q For what?

A For the business, mostly, you know.

Q Do you remember what your mother told him?

A Do I remember what she told him?

Q Yes.

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A No.

Q Do you remember what she told you or what he told you? Did they ever try to explain what the situation was to you or Susan?

A I don't know if they explained it to Sue. I think they explained it as they weren't getting along.

Q Do you know what was causing them not getting along?

A No.

Q There seemed to be another event later on where they almost are threatening separation; is that right?

A Yes. Right.

Q And you were how old at that time?

A I was about seventeen.

Q You were in Paul VI?

A Yes.

Q You would be in your junior or senior year?

A Yes, right around then.

Q What brought that about?

A Mostly when they fought it was due to his spending money.

Q What was he spending money on?

A I don't know. Mostly business. He may have been spending it on someone else, I don't know.

Q What do you mean by "someone else"?

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A I don't know, I'm just saying I don't know. They were fighting about it, and that's actually --

Q Was it a situation where there was another woman involved?

A I don't know. I don't know.

Q Was a divorce action ever threatened?

A Yes.

Q Who was talking about divorce?

A Both of them.

Q What year would that have been?

A It was around '81 -- no, I would have been in college then. Probably '79, '80. By the time I was in college they were getting along.

Q Let me get this straight, is it around 1979 that both your parents are threatening divorce?

A Yes.

Q And you would have been starting college then?

A No. I think it was like my junior year in high school.

Q So that would have been somewhere around -- you got out of high school when?

A '80.

Q Did any of them contact a lawyer about this?

A Not that I know of.

Q How long was this threatening divorce going on?

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A About a month.

Q At that time were they still sharing the same house?

A Yes.

Q Were they talking to each other?

A No.

Q What did you notice about your father during that period of time? How was he acting?

A Just sort of aloof, you know.

Q What happened after that?

A They had, one day had a big discussion about it. I wasn't really involved in it. And they decided to continue talking to each other.

Q The '79 incident when they were threatening divorce, was that as a result of money?

A I think so.

Q The fact that your father was spending money somewhere?

A Yes. Well, that it was running out, and that the business wasn't bringing any in.

Q Do you know what money your father in '79 was getting from any source?

A No. I don't think he was getting anything from J and J at that point.

Q As far as social security?

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A Oh, yes, right.

Q Anything else?

A Well, the business was bringing in some.

Q Was that Walter Reach Productions?

A Yes.

Q Anything else that you know of?

A No, not that I can think of.

Q Did your father own any properties he was renting?

A He owned a property in Laurel Lake, but he wasn't renting it.

Q Where's that? Is that New Jersey?

A Yes.

Q Where? What town?

A Laurel, I think. I don't know where.

Q Is it in Camden County?

A No. I think --

Q Is it in Cumberland County, down that way?

A I don't know what county that is. I don't know where it is. I was there once.

Q Well --

A Oh, I know where, it must have been Gloucester County. It must have been real south Gloucester County, down past -- yes, down by Woodbury.

Q Did he own a home there?

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A No. A lot.

Q Just a lot?

A Yes.

Q Did he own any other place that he was renting?

A No.

Q Any other arguments or fights or threatened separations or threatened divorce after '79?

A I don't think so. No threatened divorce, any way. You know, arguments like anybody.

Q How were they getting along in '80, '81?

A They were getting along, they were getting along. Basically they were talking and they were working together on with the business. So they must have been getting along. I wasn't really living there at that point.

Q Do you know if your father was seeing any women during that period of time?

A I don't know.

Q How about your mother, do you know whether she was going out?

A I don't know.

Q Did your father ever tell you the different places he worked in the South Jersey area?

A Yes.

Q Did you ever visit those places?

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A Where he worked? J and J.

Q J and J, Courtland?

A Courtland wasn't there by the time I was born. I know where it is. J and J is the only place that I would have visited.

Q Where did you go to see that place?

A Bethel Park.

Q Can you describe what you saw there?

A J and J consisted of a front office where they administrated from, and a plant.

Q Did you ever walk through the plant?

A Sure did.

Q What can you tell me about the plant? What was manufactured there?

A Pretzels.

Q And did they have ovens there?

A Yes. I'll give you the assembly line as I remember it. First, the dough twister, then down a conveyor belt, where it went down into the oven, back up, it was salted -- I imagine first it was coated with sodene (phonetic) --

Q A salt type substance?

A Yes, the thing that made it brown. Then up the conveyor belt, salted, and then packaged and frozen.

Q Did you ever work there?

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A No.

Q How would you describe the air in that room where they made the stuff? Was it dusty?

A Smelled like dough.

Q Was there actual dust in the air?

A No. Before doughy, flour.

Q Do you know what type of insulation was in the oven there?

A No. In the oven?

Q Yes.

A The oven was underground, as far as I know.

Q Underground?

A As far as I remember.

Q Did your father ever, in talking to you, mention the working conditions where he was working from the time he was growing up till the time he came to Camden?

A No. The farthest thing he ever told me, he worked for -- no. The first thing I remember is signs, as a matter of fact.

Q Did he ever make any comments about working with paint, being exposed to lead, being exposed to asbestos, being exposed to any type of --

A No, he never commented about that.

Q Did he tell you he would come home with his

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work clothes all stained, dusty, anything like that?

A No.

Q Did he tell you that the job he was doing was stressful or dangerous?

A No, not the signs. I know he was under a lot of stress at Courtland and Courtland Toy.

Q How do you know that?

A Well, he had to borrow a lot of money to go into business.

Q How do you know that?

A He told me.

Q What did he tell you?

A He had to borrow a lot of money from the business people at whatever interest, and it was very stressful. You know, he felt it.

Q Was this event, the borrowing of money, did that take place before you were born?

A Well before I was born.

Q Did he tell you how much he had to borrow?

A He did, yes. I don't remember it, though.

Q Do you have any --

A I think it was about $20,000.00, that seems to be --

Q Do you remember if he told you who he borrowed it from?

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A Yes, some local business people.

Q Do you remember any names?

A That he borrowed it from?

Q Yes.

A No. I remember the name of Louie Cataldi.

Q Can you spell that?

A You could probably do it better -- C-A-T-A-L-D-I.

Q Do you know where Louie Cataldi lives?

A I think he's dead, to be honest with you.

Q Do you know a last address for him?

A No.

Q Did he ever tell you where he was working before he started his businesses in Camden? Did he have to wear any protective clothing while working?

A No.

Q On the jobs and work places he worked in the South Jersey area before you were born, did he ever tell you the conditions in these work places?

A No. No.

Q Do you know whether he was exposed to fumes or chemicals in the work places?

A I have no idea.

Q You have no idea of any of the conditions in the places he was before you got -- I mean before J and J? Did you know anything --

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A Well, as a sign painter he worked outside a lot.
Q How about when he worked at Courtland or Camden Flag and Banner, do you know any of the work conditions?
A I know nothing about them except where they are.
Q Did your father ever retire from employment?
A He retired from J and J.
Q When was that?
A I don't know. I don't know what year. I imagine he retired when he was sixty-three. I think he retired when he was sixty-three.
Q Did he tell you why he retired?
A No. Except that he was sixty-three. I mean, you know --
Q Did he tell you what kind of arrangements were made at that time?
A Yes.
Q What?
A He sold J and J, and then apparently it went bankrupt, and he bought it back with a partner.
Q Do you know how much he sold it for?
A No.
Q Do you know what arrangements were made with him, whether he became a consultant or anything?
A Well, that happened after he bought it back with Jerry Schrieber.

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Q Who's Jerry Schrieber?
A He owns J and J.
Q He's the present owner of whatever there is now?
A J and J. And he was to be a consultant.
Q And was he a consultant?
A Yes.
Q For how long?
A A couple of years. I don't really know.
Q Do you know when he quit being a consultant?
A No, I don't know.
Q Well, were you alive when he quit being a consultant?
A Yes, I was alive. Would you like me to guess?
Q No, I don't want you to guess. Will you tell me, approximately, how old you were when he stopped being a consultant?
A I would have to guess.
Q Well, give me an estimate.

MR. WEINER: Is it a guess, or is it an estimate?

THE WITNESS: It's a guess.

MR. WEINER: I don't think it was made clear in the preliminary instructions that he should not guess and simply say what he knows.

BY MR. DROZDOWSKI:

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Q Or if you have any probable way of estimating something. I'm trying to place it in some kind of time frame.

A The reason I think '73, the reason I say '73 is because he bought a car in '73, which I think was a result of his not having to be a consultant.

Q So there is some relation?

A Yes.

Q What did he do after he finished being a consultant with J and J?

A There was a few.

Q Why don't you tell me?

A There's a pet shop.

Q When was that?

A After he retired from J and J.

Q Do you have any idea?

A I really don't.

Q Do you know where the pet shop was located?

A No. But it was about thirteen years ago.

Q Why do you say that?

A We got a cat out of it.

Q Do you know where that place was located?

A No.

Q You never visited it?

A Yes, thirteen years ago.

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Q Any other place that your father ran or --

A Water bed.

Q Is that over in Philadelphia?

A Yes.

Q Did you ever visit it?

A Yes.

Q Do you know where it was located?

A No.

Q Did you work there?

A No.

Q Did your sister work there?

A Yes.

Q Anything else he did?

A He also developed some ideas that never really materialized to be too much. He developed a little golfer's aide --

Q What do you mean by that, a golfer's aide?

A We had a couple things, one of them was just a way to reduce your golf score. It wasn't any particular device, just a --

Q Well, what would it be? Was it a printed piece of paper?

A It was a piece of paper that you stuck on the club that reminded you to keep your head down.

Q Any other things?

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A Oh, yes, he had a couple of things. He had feast or famine, the diet game. He had lucky bidders dice game.

Q What was that?

A He was trying to develop that for the casinos, to be a souvenior. I think that might have been under Walt Reach Productions.

Q Anything else?

A That's all I can think of.

Q What came first, the water bed or the pet shop?

A Water beds.

Q Did he actually work at the pet shop?

A No.

Q Or did someone else run it?

A Someone else ran it.

Q And while they were running it for him, he was working for Walter Reach Productions at home?

A I don't know.

Q When did he start working basically at home on a full-time basis?

A Around '75.

Q '75 to '82 he worked full-time at home?

A Yes.

Q No other businesses?

A I don't remember any.

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Q Do you know of any patents he obtained?
A Yes.
Q Tell me about that.
A That's right, Tot-spotter.
Q That's where you put this thing up in the window?
A Right.
Q Any other thing?
A That's the only thing I can remember him trying to get a patent for, other than way back with J and J.
Q He had an oven?
A Yes.
Q Did he ever work with a fellow by the name of Jacob Grayboy?
A Jack Grayboy.
Q That would have been with J and J?
A I don't know why he worked with Jack Grayboy. I don't know what his relationship with him other than friend was. I don't know what business relationship they had.
Q Would you see Jack Grayboy on a regular basis?
A Not -- maybe at Christmas, and once or twice a year.
Q Did Jack smoke?
A Cigars.
Q Do you know what his attitude towards smoking

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cigarettes was?

A No.

Q Did you ever hear him tell your father to stop smoking cigarettes?

A No.

Q What kind of hobbies or activities would your father participate in?

A He golfed, played pinnacle, that's about it.

Q Was he a pretty avid golfer?

A Yes.

Q How many days a week would he go out golfing?

A Every day, after he retired.

Q From a period '75 on he would go out every day?

A Yes. Oh, 1975?

Q After Walter Reach and the bicentennial?

A That was after he retired already.

Q When did he retire?

A I don't remember the year.

Q Was it in the seventies or in the sixties?

A I don't know.

Q How long would you say he was retired before this bicentennial business started up?

A Well, I can't really answer that, because I don't know when he retired.

Q Was he retired for about five years, ten years,

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one year?
A That's the thing --
Q I don't know.
A I mean it was more than a year.
Q Well, anyway, during the time he was retired before the bicentennial, '75, '76, situation came along, and he was out golfing every day; right?
A Yes.
Q And when he was working on the bicentennial thing, did he golf less?
A Yes.
Q And do it on weekends, maybe?
A Maybe.
Q Well, what is your recollection?
A Not every weekend.
Q Did there come a time again when he would go out golfing on a daily basis?
A No.
Q In the years '77, '78, '79, '80, '91, how often would he go out golfing?
A He had a Wednesday golf date or something, so maybe once a week.
Q How about on the weekends?
A Not every weekend.
Q If he did go out, was it on a Saturday or

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Sunday?

A I don't think that was --

Q Didn't matter?

A No.

Q Do you know who his golfing buddies were?

A Yes. Manny Hand, Bob Pressman, they were the two steady ones.

Q Anybody else?

A No. That's who he golfed with.

Q Do you know where Manny Hand lives?

A No.

Q Do you know where Bob Pressman lives?

A No.

Q Would you ever go out golfing with your father?

A Yes.

Q How would you describe his golf game?

A Good.

Q What was his handicap?

A Twelve, I think when he was regularly golfing.

Q Where did he go golfing?

A Indian Springs -- no -- Indian Springs. He was a member of Medford Village. And later in life he played at Little Mill.

Q You've seen Manny Hand at the golf course?

A Yes.

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Q You've been in the presence of Bob Pressman?
A Yes.
Q Either of those smokers?
A I don't recall.
Q Do you know what their attitude was towards smoking?
A No.
Q Did you ever hear either of them tell your father to stop smoking?
A No, I don't think I ever did.
Q Did your father ever talk to them about smoking?
A No.
Q Did your father smoke while he played golf?
A Yes.
Q How did he work that into the golf game?
A Put a cigarette down, hit the ball, pick it up. He smoked -- I played golf with him, he smoked all the time on the golf course.
Q Do you know any clubs or organizations, groups, that your father was a member of?
A Well, besides Medford Village, he was a member there, so he belonged to that. I can't think of any.
Q Jaycees, Chamber of Commerce?
A No.
Q Do you know of any friends he had through any

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organization?

A No.

Q Did your father do any work around the house such as painting or gardening, working on woodwork, anything like that?

A No. I mean he would occasionally paint something.

Q What's that?

A He would occasionally paint something that needed to be painted.

Q Like the side of a house?

A No. Pool.

Q How often did he do that?

A He would do that every year.

Q He painted the pool every year?

A Yes.

Q What kind of paint would he use?

A Redwood stain.

Q Anything painting?

A No.

Q Did you have a garage in the back of the house?

A Yes.

Q Was it made into an apartment?

A Yes.

Q Who made it into an apartment?

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A A guy named Schaeffer.
Q What's his first name?
A I can't think of his first name.
Q Is he a contractor?
A Yes.
Q Ralph Schaeffer?
A Might have been.
Q Do you know where the contractor lived?
A No.
Q Did he participate in any way in painting or fixing it up or installing insulation?
A I don't think so.
Q Did your father work in the garden?
A Trimmed the hedges.
Q Did you have grass in the garden?
A In the garden?
Q Did you have a lawn?
A Yes.
Q Did he ever use fertilizer?
A He never dealt with it.
Q Never used any fungicide?
A No. There was someone that took care of the lawn.
Q Who was that?
A His last name was Scott.

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Q Do you know where Scott lived?
A No.
Q Did your father read?
A Yes, he read newspapers, Prevention magazine, Golf Digest, Money.
Q Anything else?
A Some other ones, that's really all I can think of.
Q Let's talk about the magazines. Were they on subscription?
A The ones I named were, yes.
Q Monthly magazines?
A Pretty much.
Q How long was he subscribing to Prevention?
A I really don't know.
Q How about the other ones, do you know?
A No.
Q Do you remember any other magainzes that were brought in the house on a regular basis?
A The Wall Street Journal for a while.
Q Any others?
A Yes, there's one I can't think of the name of, there's one that slips my mind.
Q A newspaper?
A It was a business type one.

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Q What newspapers would he get?

A Courier Post, Bulletin, Inquirer, Wall Street Journal.

Q Was the Courier Post brought in daily?

A Yes.

Q How about the Bulletin?

A Yes.

Q How about the Inquirer?

A Sundays.

Q Did he pick up the New York Times sometimes?

A No.

Q How much time on an average did he spend reading magazines, papers?

A A day?

Q Yes.

A Three hours.

Q And where would he do this?

A Mostly in the kitchen.

Q What did he tell you about Prevention? Did he ever make any mention about that?

A He thought it was a good magazine. He thought it was very informative.

Q Did he ever tell you or show you any articles in that magazine which had anything to do with smoking and health?

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A Yes, he showed me -- I don't know if it was Prevention or -- he had two other books, the Complete Book of Vitamins, which I think -- but it may have been Prevention where they had cases of -- I remember him showing me one of a guy that had cancer who took a lot of vitamin C and apparently was cured of it. I remember him showing me that item.

Q Was it in a magazine or in a book?

A I'm almost sure it was in a book.

Q Do you remember the name of the book?

A Yes, "The Complete Book of Vitamins".

Q About what time period was this?

A About thirteen.

Q How old were you?

A Thirteen.

Q Did he watch television?

A Yes.

Q On an average during the day, how many hours would he watch television?

A Four at night.

Q Four hours?

A At night.

Q And what programs did he watch? Do you know?

A As a little kid I always remember him watching Bonanza. Other than that, I don't think he had any,

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you know, I think he just watched whatever was on.

Q Was he a guy that watched the news?

A Yes, he watched the news all the time.

Q 6:00 o'clock?

A And 11:00.

Q Any favorite programs besides Bonanza?

A I don't think so.

Q Where would he watch that?

A In the living room.

Q Did he listen to the radio?

A Yes, at night.

Q On an average during the day, do you know how many hours?

A During the day he didn't listen to it too much, unless he was down in the cellar working, he may listen to it. But at night, you know, about an hour or two before he went to sleep.

Q What time would he usually go to sleep?

A Say around 12:00.

Q Was he the type of guy that put his head down and would be asleep? Or would he stay awake for a while?

A I think he fell right to sleep.

Q You say he would listen to the radio when he went up to bed?

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A Yes.

Q Do you know what he listened to?

A WCAU. I don't remember the name of the show.

Q Did he have any favorite programs that he would discuss with you?

A Yes, Larry King he used to listen to.

Q Any other things he would do to relax?

A To relax?

Q Yes.

A He watched TV. He probably played golf to relax, I imagine. Hobbies?

Q What hobbies?

A Is that what you mean, hobbies?

Q Yes. Anything else?

A I can't think of any.

Q Did he go out and visit relatives and friends?

A No, I don't think he liked to do that very much.

Q He was the type that preferred being home alone rather than going out?

A Yes.

Q Did he take vacations or vacation trips?

A Yes, he's taken a few vacation trips.

Q Did you go along?

A On some of them.

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Q Tell me the ones you went along with him, where you went?

A Florida.

Q Where did you go?

A Down to Naples.

Q To see?

A To see his brother. Bahamas, Bermuda, Niagara Falls and Canada. Went to New England one year.

Q Do you remember when that was? How old were you then?

A About eight.

Q When you went to Niagara Falls, how old were you?

A That was '67.

Q When you went to the Bahamas, how old were you?

A I was in fifth grade, maybe. Bermuda, after that.

Q When? Do you know?

A Yes, I was about thirteen.

Q Is that the time your father had an accident there?

A Yes.

Q On a moped?

A Yes.

Q Did your father go to church?

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A No.

Q Did he have any friends who were clergymen?

A Yes, he did.

Q Who was that?

A Monsignor Sharkey.

Q And how did he know Monsignor Sharkey?

A Through golf.

Q What golf course?

A Medford Village.

Q Did you know Monsignor Sharkey?

A No. I met him.

Q How would you describe your father's personality?

A Stubborn.

Q What do you mean by that?

A He was very set in his ways about things. He was very, very friendly with people first meeting, that he was meeting for the first time. When it came to work, he was very set, his personality was he had to have things his way.

Q Would you describe him as a perfectionist?

A Yes.

Q Were there times when, for example, when you were doing something for him, he would comment about your work?

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A Yes. When I was painting he commented to me that I should probably never be a painter. You know, it's tough -- he was like that, he was a painter, and he was very critical about things like that.

Q Would he be the type that set a standard for himself?

MR. WEINER: I'm going to object to the form of that.

Q Would he have certain ways of doing things and expected others to do it the way he did?

A The way, yes. As far as when we were dealing with an assembly line thing, you had to do it his way.

Q He was firm in that belief?

A Yes.

Q If he set a standard for working on that assembly line, the heat sealing a certain way, he wanted it done his way; is that correct?

A Yes.

Q He didn't like to see variations from the pattern or standard he set?

A Only unless he got it done faster.

Q Was he a nervous or tense individual?

A He wasn't nervous.

Q Well, would you describe him as calm and easy going?

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A No, I think I have to have a situation to describe how he is.

Q I'm sure you have some favorite situations. Would you tell me or give me a situation which his characteristics came out?

MR. WEINER: What is the question you're asking?

MR. DROZDOWSKI: This man's personality is in issue in this case, I'm trying to find out what his personality was, and I'm asking questions about it.

BY MR. DROZDOWSKI:

Q Do you have any stories which would explain the characteristics of his personality?

A Well, I explained the painter.

Q Yes.

A It's tough to say. As far as when you worked with him, things had to be the way he expected it done. He would tell you once, and you were supposed to do it that way. He wouldn't explain -- he wasn't -- he wouldn't say, if you did it wrong, he wouldn't say, no, you did it wrong, he would say, "What did I tell you?" But I couldn't call him nervous, because when he was drawing or when he was figuring, he was very relaxed.

Q Well, was he a person who would stay in one mood

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most of the time? Or did his mood change?

A No, his moods would change. He would get very mad, and he never held a grudge. He would get very mad, and ten minutes later he forgot why he was mad.

Q Would you describe him as very methodical in the way he did things?

A No, I wouldn't describe him as methodical.

Q Careful in everything he did?

A No.

Q Careless?

A He drove like a maniac.

Q How about the work downstairs, was he a careful person, careless person? How would you describe him?

A I have to choose between careful and careless?

Q You use any word you want to use.

A He was not extremely organized, but he knew where everything was.

Q Did he have a temper?

A Pretty quick tempered. Like I say, he just got mad for the moment.

Q Did you ever see him cry?

A Yes.

Q What caused him to cry?

A Usually happier things. I never saw him cry over a death.

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Q What are the happier things?

A You know, like, I don't know, like when my sister graduated or something.

Q What kind of things upset him?

A Upset him?

Q Yes.

A President Nixon. If things weren't going his way.

Q He'd get upset?

A Yes.

Q What do you mean by things going his way? Do you have any examples of that?

A Yes. When he found out, I think he was probably upset when he found out someone was stealing from him, he got very, very -- but then he didn't ruin his entire night.

Q Did he have any things he did on a regular basis that he got into a routine doing that he changed, or tried to change?

A Business?

Q Business, out of business, home.

A Any routines?

Q Yes.

A I would say, yes, if he was doing something -- I have an example, I can't quite think of it right now.

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Like he was a cab driver, and he drove really like a maniac, and we used to tell him that, and he tried very consciously to drive slowly, more slowly at times. He was in the habit, he said to me, "I drive like with one foot on the brake, one foot on the gas," and he tried being more careful.

Q Did he succeed?

A Yes, to some extent. Yes, as a matter of fact, he did.

Q So he made a conscious effort?

A He made a conscious effort to do that. In his golf game, he had a swing that he tried to change, he was always trying different things like that. I remember him telling me, "Don't get into the bad habit of swinging bad, because it's tough to break." He would do things like that.

Q How about, for example, did he ever try to change his eating habits, change his habits with coffee or something like that?

A No, I don't know if he ever -- they were changed for him when he had his stomach operation.

Q What was changed for him?

A His eating habits.

Q How about the coffee consumption, did that change?

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A No. He liked a cup of coffee.
Q Was he neat around the house?
A No, not particularly neat.
Q Dropped things?
A He would pick it up.
Q Smoking, was he leaving butts around?
A He would burn a lot of holes in the rug.
Q Did anybody complain about it?
A My mother.
Q What did she tell him?
A Well, she brought it to his attention.
Q In what manner?
A I guess she yelled.
Q Do you know what your father did in response to that?
A I think -- no, I don't know if he did anything in response to that.
Q Did he ever feel depressed that you observed?
A I don't think he ever moped around.
Q Do you have any recollection of any periods he was depressed?
A No, he wasn't -- no.
Q Did he bite his nails or ever have any other nervous habits?
A No, I never remember him biting his nails.

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Q Any other nervous idiosyncrasies?

A Well, he'd light up a cigarette, he'd light up cigarettes in certain situations.

Q You mean there were times when he smoked more than other times?

A Well, that's not what I mean.

Q What do you mean by that phrase?

A He was talking on the phone, that's what I think of as an idiosyncrasy.

Q Every time you saw him on the phone he would be lighting up a cigarette at the same time?

A Yes.

Q Would he ever get, be what I describe as nervous, anxious?

A No, I can't remember him being nervous, I mean about something.

Q From your observations, were there times when he smoked more than other times?

A Well, more than other times -- well, I know he always smoked after he ate, and that never -- yes, I think when he was upset about something he smoked more.

Q Do you have any examples of what he got upset about? You mentioned something about stealing?

A Yes.

Q Other than that?

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A Just that at the dinner table when there was a problem in business and he was eating, that's the only time I saw him smoke and eat at the same time.

Q Any other things you remember?

A Other than that, I mean it was just like a routine thing. I always remember him smoking in mostly every action.

Q Did he ever visit a psychologist or psychiatrist that you know of?

A Not that I know of.

Q Do you know whether your father was in the military?

A Pardon?

Q Was your father ever in the military?

A No, I don't think so.

(Luncheon recess.)

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AFTERNOON SESSION

BY MR. DROZDOWSKI:

Q Mr. Reach, we're going back on the record. Is there any reason -- I know you're coughing -- I want to tell you right now, if at any time you feel bad that you don't want to continue, you want to stop and take a break, you just tell me.

A Okay.

Q Is there anything to prevent you from going on and answering the questions?

A Okay.

Q Nothing bothering you sufficiently to prevent you from staying here and answering these questions?

A Is there? No. I have a cold.

Q Seriously, if you say to me right now, I'd rather not continue, we'll pack it in right now.

A No. I'd rather continue.

Q What is your first recollection of your father smoking?

A At the kitchen table when I would wake up in the morning.

Q How old were you at that time?

A Six.

Q Did you ever buy cigarettes for your father?

A Yes.

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Q When was that? What period of time in your life did that happen?

A Thirteen to sixteen.

Q What cigarettes would you buy for him?

A Benson and Hedges.

Q Was there any specific type of Benson and Hedges, light?

A Gold.

Q Would I be fair in saying he was smoking Benson and Hedges gold at that time?

A Yes.

Q Where would you buy the cigarettes?

A Corner store.

Q What's the name of the corner store?

A Cumberland Farms.

Q Where is it located?

A Kings Highway in Mount Ephraim.

Q Do you know when your father first started smoking?

A No.

Q Did he ever tell you or anyone in your presence any stories about how he started smoking?

A Yes, he told me the story as a kid, just with his brother and friends.

Q Did he tell you why he started to smoke?

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A He said, I remember him saying, "I guess just to be in with the crowd."

Q These people he was with were older than he was?

A I don't know.

Q When do you recall that story being told to you?

A To me?

Q Yes.

A As I was growing up, I guess when I was eight, nine years old.

Q Did your father ever change that story, telling you how he started to smoke?

A No.

Q As far as you know, that story is his story on how he started to smoke?

A Yes.

Q Did he ever tell you any other stories of smoking as a young kid?

A No.

Q Did he tell you what brand he smoked when he first started?

A No.

Q Did he tell you what age he was when he first started?

A About twelve.

Q Did he tell you that he started at twelve

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smoking on a regular basis?

A I don't know.

Q Was there ever a time when he told you he started smoking on a regular basis?

A No.

Q Did it appear to you from the story he told from the time he started he just continued on smoking regularly?

A Yes, it appeared to me.

Q Did he tell you what cigarettes he smoked before your birth?

A No. We really never discussed that.

Q At any time before he died, did he tell you, your mother or your sister his smoking history, what cigarettes he smoked, when he smoked, what brands they were?

A He never told me that.

Q Do you know whether he told anybody else?

A No, I don't know.

Q Do you know if he ever wrote that down, his history of what he smoked from the time he started throughout his lifetime?

A I never saw him do that.

Q Have you ever seen such a history that he prepared?

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A Oh, he prepared it?

Q Yes.

A No, I don't think so. No, I don't.

Q Did you ever discuss that with your sister, whether he gave her a list of the cigarettes that he smoked during his lifetime?

A No.

Q How about your mother, did he ever discuss it with your mother?

A No, I never -- I'm not aware that he did that.

Q Well, you don't know what cigarettes he started to smoke when he was twelve years old?

A No.

Q You know when you were thirteen to sixteen you got him Benson and Hedges gold; is that right?

A Yes.

Q And he smoked Benson and Hedges gold?

A That I remember, yes.

Q In between that time that he started to smoke until he was smoking Benson and Hedges, do you know what cigarettes he smoked?

A Oh, what other brand?

Q What other brand, yes.

A I remember him smoking Viceroy. And I remember that as an isolated incident, as one pack I remember

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seeing Viceroy. I don't know if he smoked that when he was younger.

Q Can you put this in a time frame? How old were you when you saw the pack of Viceroy?

A About seven or eight.

Q Do you remember any other brand of cigarette he smoked other than Benson and Hedges gold and Viceroy?

A No. Oh, I did -- I can --

Q Sure.

A As a matter of fact he did, I did ask, because I did ask my mother if he ever smoked Tarryton, because I recall him, I thought I recalled him smoking Tarryton.

Q I heard of Tarryton.

A It's the fight and switch one.

Q It's what?

A "I'd rather fight than switch." I did ask her that.

Q And what did she say?

A "No," I think.

Q Well, do you have a present recollection of your father ever smoking Tarryton?

A No.

Q Did you talk to your mother before this

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deposition?

A Yes.

Q Trying to find out what was happening in this deposition?

A No. I asked her how it went, and she said, "Well, they asked me a lot of detailed questions." That's when I said, I was thinking about it in my mind, I was thinking he smoked whatever that brand is, Tarryton, and that's when I asked her. I figured you were going to ask me what cigarettes he smoked.

Q But your mother told you some time yesterday or today that her recollection was he didn't smoke Tarryton?

A Right.

Q And I think my question was do you have an independent and clear recollection --

A No, I don't.

Q My question is, did you have a clear and independent recollection that he smoked Tarryton, and I believe your answer was no?

A That's correct.

Q Did your father ever tell you that he would switch brands?

A No, we never really discussed it.

Q Never discussed anything about switching?

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A No.

Q What would you discuss about his cigarette smoking?

A When he started, why he didn't stop, why he does it.

Q Did he ever talk to you about any cigarette advertising?

A No.

Q Never mentioned cigarette advertising?

A No.

Q In any way?

A No, I don't -- the only conversation I would recall is when they had a ban on television advertising then -- did they have a ban?

Q Yes.

A I think we talked about that.

Q But he never talked about specific advertisements on television, magazines, newspapers? You never discussed that with him?

A No, that's correct.

Q With regard to Viceroy, you say you saw him with one isolated incident that you can recall, a pack of Viceroy. Do you know how long he smoked Viceroys?

A No.

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Q Do you know if he smoked more than one pack of Viceroy?

A No.

Q And you know of no other brand that he smoked other than Benson and Hedges gold?

A That's really all I remember him smoking.

Q And I believe you testified that was when you were thirteen to sixteen, you'd go out and buy them?

A Until -- I remember him smoking that up until I was twenty.

Q How long did he smoke Benson and Hedges gold?

A As long as I can remember, so I would say thirteen to twenty.

Q Thirteen to twenty?

A Yes.

Q And when he was last smoking, whatever time it was before his death, was that Benson and Hedges gold?

A Yes.

Q So that would be the cigarette you recall during the part of your life you recall him smoking, from age thirteen until the time he died, your age thirteen until the time he died would be Benson and Hedges gold; correct?

A Yes.

Q When you asked him, and you discussed this, you

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asked him why he didn't stop, what was his reply to that?

A "I've been smoking all my life, I tried."

Q That would be his response?

A Yes.

Q And what would you say in response to that?

A "That's no reason to not try."

Q And what would he say in response to that?

A He would say, "You don't know."

Q In the discussion at that point, would you tell him that smoking was going to effect his health?

A Well, I didn't -- would I tell him that?

Q Yes.

A I'd say, "It's no good for you."

Q Well, did you use any further terms in describing any type of disease or malady that could be caused by it?

A I don't really remember.

Q You mentioned another question you asked, why do you do it?

A Yes.

Q What did he say to that?

A That's when he would say, "Well, because I've been doing it all my life."

Q Did your father enjoy smoking?

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A I don't, I don't know.
Q Did he ever tell you what he got out of smoking?
A No. Mostly he would say, "I'm not even . . . I don't even think about it." He did enjoy smoking after dinner, he did say that.
Q Do you remember what the Benson and Hedges gold pack looked like?
A Yes, it was gold, gold, you know, wrapping.
Q Did you ever find out or ask him why he liked that brand?
A No.
Q How did he smoke? Did he inhale?
A Yes.
Q Would he inhale deeply?
A Yes.
Q Would he hold his breath when he had it in?
A Yes.
Q Was he the type that he had the cigarette in his mouth and would inhale? Or would he take it out?
A You know, I think he was more ashtray type.
Q Did he smoke to a short butt on the cigarette?
A Yes.
Q Would you have characterized him as a chain smoker?
A Yes.

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Q From the time you have a memory of him, until the time he died, did that manner of his smoking change in any way?

A Well, yes, after surgery, he did make an effort not to smoke. That was under a lot of family pressure, and he started sneaking them.

Q What surgery are you talking about?

A After his brain surgery, blood clot.

Q Would that have been the blood clot in the operation in '75?

A Yes, I think so.

Q What changes after '75?

A Well, for, I would say, about two months after he came home, he never smoked in front of anybody. Then when we finally caught him, he just started smoking his regular self, the same way he always did. And, of course, when he was bedridden, he didn't smoke.

Q That was --

A '82.

Q Sometime after that he got home from the hospital in August?

A Yes.

Q Let me ask you something, would you tell me all you know about the attempts that he made to stop smoking and the periods of time when he stopped?

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A Okay, I know he was hypnotized.

Q When was that?

A I don't know. It was before I was born, I think.

Q Well, who told you that?

A He did. My doctor hypnotized him.

Q He told you?

A Yes.

Q What did he say?

A He said, "I was hypnotized. I tried to stop smoking, Dr. Jules hypnotized me."

Q Dr. Borenstein?

A Yes.

Q Did you ever talk to Borenstein about that?

A Yes, I mentioned it to him.

Q What did Dr. Borenstein say?

A He said he hypnotized him.

Q Did he say anything else?

A No. I mostly talked to my father about it. He said he couldn't smoke. He said he could bring the cigarette up to his mouth, but he couldn't light it.

Q Why?

A I guess that was the hypnotic suggestion. He never went back. He may have gone a couple of times,

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but he never completed the hypnosis.

Q What was there to prevent him from going back?

A I don't know. He never mentioned why.

Q He never told you why he didn't complete the hypnosis?

A No, I never asked him. He just said, "I never went back."

Q Do you know if there was any reason to prevent him from going back?

A No, I don't know of any reason.

Q How long did he stop smoking as a result of that hypnotic --

A I don't know.

Q This was before you were born?

A Yes. Or else I was very young.

Q From stories, from your mother, your father, your sister, from anybody else, do you know of any other attempts he made before you were born?

A Yes, he had a little device you put on the end of the cigarette, I think.

Q Sort of a water filter?

A Something like that. I don't really recall that. I remember stories about that. During my lifetime, the best opportunities were when he was hospitalized.

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Q What did he do then?

A Well, the whole time he was in the hospital, he didn't smoke. Then when he got out, he started.

Q Let's see, you were born what year?

A '62.

Q He was hospitalized in '68, '69 and '70, was he not, for a number of stomach problems leading up to an operation?

A Yes.

Q During that period of time, what, if anything, did he do about quitting?

A I don't know. I can remember him smoking in the hospital room, though.

Q Well, do you remember him quitting at any time during that period of '68, '69, '70?

A No, not really. I don't remember.

Q Do you remember him cutting down or attempting to cut down?

A During that period, or at any time?

Q During that period.

A I don't remember.

Q Do you have any recollection of his stopping, cutting down on cigarettes at any time in your lifetime? You mentioned when he was bedridden in '82. Any other time?

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A Yes, and I think he at one time said he wasn't going to have any cigarettes on him, he was, you know, he wasn't going to buy any cigarettes. So he made an attempt that way. I think he just gave up on that, though.

Q When was that?

A Gee, I don't really remember. I would say about twelve years ago.

Q Do you know how long he went without a cigarette?

A I don't think he ever did, because he said he was bumming them off people.

Q You don't think it actually worked out for any length of time?

A No. Might have reduced it, but it didn't stop.

Q Do you know of any other efforts he made to reduce or stop smoking?

A Yes, I remember a story about he had a bet with someone.

Q Who told you about that?

A My mother.

Q When did she tell you that story?

A When?

Q Yes.

A Oh, God! I think she used to bring it up when

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he would, when he would start talking about quitting.

Q And where was the bet, where was this to take place?

A This was before I was born.

Q You don't know anything?

A No.

Q Do you know if he stopped for any period of time?

A I don't know. I seem to recall he lost the bet. That's all I know about it.

Q Do you know of any other times when he stopped smoking or attempted to stop or cut down?

A That's really all I can think of.

Q Did your mother do anything to try to get him to stop smoking?

A Yes, she wouldn't smoke around him. This is after the brain operation.

Q How long did that go on that she wouldn't smoke around him?

A Maybe a month or two. After we found out he was smoking anyway, she stopped.

Q She's a smoker?

A Yes.

Q She's been smoking regularly during your lifetime?

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A Yes.
Q She smoked how much a day?
A I don't know. I don't think more than a pack.
Q You wanted your father to stop smoking, did you not?
A Yes.
Q And your sister wanted her father to stop smoking?
A Yes.
Q What did you and your sister do to try to get him to stop smoking?
A We just kept telling him to quit. We would try and like embarrass him into stopping, get him mad, telling him, "It's no good for you."
Q How?
A "You tell us not to smoke, and you smoke," things like that. You know, "You're contradicting yourself," things like that. That's what we would tell him. Other than that, what else could you do?
Q I think you told us that your sister tried to bring up the fact that his smoking could cause him to have lung cancer?
A Yes.
Q What did he respond to that?
A I think he just sort of shrugged it off.

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Q During your lifetime, what would he say his smoking volume was, how many packs of cigarettes a day would he smoke?

A Maybe two or three.

Q Do you know when he would have his first cigarette?

A When he woke up.

Q Did you have a couple of bathrooms upstairs? Did he have his own private bathroom?

A No.

Q Would you find cigarettes left in the bathroom in the morning?

A In the sink.

Q In the sink?

A Ashes.

Q Did you eat breakfast with him?

A Yes.

Q Did he have a cigarette at breakfast?

A Yes.

Q Did he smoke much in the morning?

A Yes.

Q How much?

A I'd say when he woke up, he had a cigarette; when he had his coffee, he had a cigarette; when he was reading the paper, then usually would go to work

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or wherever.

Q Were there any times during the day when he smoked more than normal or more than other times?

A I can't really say.

Q Did he ever tell you that smoking relaxed him?

A Yes, I think he mentioned that.

Q Did he ever say it helped relieve anxiety or nervousness?

A No. He said he liked to relax with a cigarette.

Q What was his normal source of cigarettes?

A He used to buy them by the carton.

Q Did he buy them, or would your mother?

A Both.

Q Did he ever smoke a pipe?

A Not that I recall, no.

Q Cigar?

A No.

Q Did he ever chew tobacco?

A No.

Q Snuff?

A No.

Q Have you told us all the times that you can recall he tried to stop or cut down on his smoking?

A Yes, that's all I recall.

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Q It's my understanding from your testimony that that period when he was hypnotized was probably before you were born or at least you have no recollection of what was happening at that time; is that correct?

A Correct.

Q You don't know how he acted during the period of time he went without the cigarettes?

A I don't know.

Q On the other times that you saw him when he was attempting to stop, but you caught him smoking anyway, was there any change in him, personality, when he wasn't smoking?

A I don't really -- I didn't notice any.

Q How did he feel about himself when he was unsuccessful in quitting smoking?

A From what I -- from what he said, I think he felt disappointed but resigned.

Q What do you mean?

A Resigned, he said, "Well, I've been smoking, and I'm not going to -- I can't quit." I don't think he was very depressed about it.

Q Do you ever remember him using a cigarette holder?

A No.

Q Did your father ever comment on the warnings

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that went on cigarette packages?

A Yes.

Q What did he say?

A When it first came -- when we first started telling him that he should stop because of the surgeon general's warning. He said, "Well, at first it only may be hazardous," that's what he used to say, "They don't know, just says it may be hazardous."

Q At some point in time was that warning changed?

A Yes.

Q And it said it is hazardous to your health?

A Right.

Q What's his comment at that point?

A Well, he, I guess, at that point he didn't use that argument any more. I think then what he said was, "Well, I take all those vitamins."

Q I'm sure you wanted to bring that warning to his attention, the one that said the surgeon general says that cigarette smoking is dangerous to your health, whatever it is, you brought that to his attention?

A I don't -- I actually don't have any recollection of saying that. I never smoked, and it wasn't a real big thing.

Q How about your sister?

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A I think I recall her yelling across the table about that.

Q Did you guys, you and your sister ever make any plans or plan anything between the two of you to get your father to stop smoking, work on any system or plan?

A No.

Q What other person, your father's friends or relatives, would also tell him to stop smoking because of the ill effect on his health?

A Dr. Borenstein.

Q Anybody else?

A My mother always said he smoked too much. I really can't recall anybody else.

Q Do you recall what Dr. Borenstein would tell him?

A Yes. He said he'd tell him it was no good for him. He would even tell him, he said, "I'll make a bet with you, you'll either die of cancer or you'll die of a heart attack."

Q Do you recall when he said that?

A When he said that?

Q Yes.

A No.

Q How old were you when you heard that?

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A He said that a few times in my lifetime to him.
Q Well, can you give me an idea --
A The last time he said it was, I would say, four or five years ago.
Q Before that, when did he say it?
A Maybe four years after that.
Q Any other times?
A I can recall that in his office, him saying that, they used to fight a lot about it.
Q That would be in the early 1970's?

MR. WEINER: Objection. He just gave you the time, you can do the arithmetic.

MR. DROZDOWSKI: That's what I'm trying to do, the arithmetic. I'm asking him if it was the early 1970's.

MR. WEINER: Actually you stated it was in the early 1970's.

BY MR. DROZDOWSKI:
Q Was it in the early 1970's that he said that for the first time, that is Dr. Borenstein made that statement?
A I don't know if it was the first time he said that.
Q It could have been earlier than that?
A He's known him before I was born.

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Q I'm talking about the ones you heard.
A I guess, yes, about '72, '70.
Q Did your father ever use the expression "coffin nails"?
A My sister used it. I guess he did, too, after he heard it from her.
Q When did your sister use this expression "coffin nails"?
A What years?
Q Yes.
A Early or mid seventies, around there.
Q And in what context did she use this expression "coffin nails"?
A Whenever he would light one.
Q She would say, "You're lighting up a coffin nail"?
A Yes.
Q And what did she mean by that?
A I suppose she meant that it was killing him.
Q What did your father say to that?
A "Yes, I know."
Q Did she ever use the expression "cancer sticks"?
A Yes.
Q About the same time?
A Yes.

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Q In the same context?
A Yes.
Q And would he respond the same way?
A Yes.
Q Did your father ever discuss what he had read about cigarettes, smoking and health with you?
A Yes, he mentioned, I remember him saying, him mentioning that it really depleted the vitamin C in your system.
Q That would be something from Prevention magazine?
A Probably.
Q Any other article or anything he read that had anything to do with smoking and health?
A That's all I remember. That's really all I remember.
Q Did you have a course in either grammar school or high school which dealt with health and smoking?
A Yes.
Q Would I be fair in saying what was taught to you was smoking was dangerous to your health?
A Yes.
Q Did you tell your father about that course and what you learned?
A Yes. Yes.
Q When would that have been?

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A '77, eighth grade.

Q When did you graduate high school?

A '80. It's not '77. What is it? I don't know. '77, '76.

Q What did your father tell you when you told him that?

A He seemed aware of it. My impression was he seemed very resigned that he was going to continue smoking, that he had tried to quit, and he was going to continue smoking.

Q Did you ever hear of the surgeon general's report on smoking and health?

A Ever hear of it?

Q Yes.

A Yes.

Q Have you ever read it?

A No.

Q Do you know whether he had read it or parts of it or articles on it?

A I doubt it.

Q Why do you say that?

A He wasn't in the habit of reading medical articles or journals.

Q Did he ever discuss the surgeon general's report with you, the surgeon general's report dealing with

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smoking? Did he ever discuss it with you? Do you have any recollection of it?

A No, not really.

Q Do you remember him ever reading any government pamphlets, medical bulletins, anything that said smoking was bad for your health, could cause certain diseases?

A No, I don't remember that.

Q Did your father know any doctors other than Dr. Borenstein?

A Not that I know of. I can't really recall that, except the ones that operated on him, you know.

Q Did he ever tell you of a doctor other than Dr. Borenstein who also told him to stop smoking?

A No, I don't remember that.

Q Did he ever tell you he read anything that said smoking was good for you?

A Smoking was good for you?

Q Yes.

A No.

Q Did he ever tell you that he read, heard of anything that criticized the reports that smoking increased the risk of cancer?

A No.

Q Did your father ever use the term "tobacco

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institute"?

A No.

Q Ever talk to you about the tobacco institute?

A No.

Q Do you know what the tobacco institute is?

A No.

Q Did your father ever tell you that there were lawsuits, that he knew of lawsuits against cigarette companies?

A No.

Q Did your father drink alcohol?

A Yes.

Q How much did he drink on an average day that you know of or seen?

A Two drinks on an average.

Q When you say "drinks," describe those to me.

A Full drinks, eight ounce, ten ounce drinks.

Q And what were they composed of?

A Mostly gin and tonic.

Q What time of day would he have these drinks?

A Usually after about 5:30, 6:00.

Q He wasn't a morning or early afternoon drinker?

A No.

Q Did he drink any more at any time? Were there occasions when he would drink more?

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A Yes, holidays.
Q And what would he have then?
A Usually gin and tonic or Canadian Club.
Q Did you ever see him drunk?
A Yes.
Q How often?
A I can think of twice.
Q Would he do most of his drinking at home?
A No. Mostly at the golf club.
Q Did he go out to different bars and restaurants?
A No, he wasn't really into bars.
Q Did you consider him to have a drinking problem?
A No.
Q Was he ever treated for alcoholism?
A No, not that I know of.
Q Did his drinking ever cause any family problems?
A No.
Q Did anyone ever try to get him to cut down on his drinking?
A Yes.
Q When was that?
A Usually like around the holidays, you know, everyone visited, we used to try to get him not to drink as much.
Q Other than that, I mean for reasons, for

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example, any doctor at any time try to get him to cut down?

A No, I don't think.

Q Do you know whether he was ever injured in any accidents?

A Yes, he was injured in an automobile accident.

Q When was that?

A About a year before the brain surgery. I don't know those dates. I'm not that good with those dates.

Q I can tell you there are hospital records that say he was at Albert Einstein Hospital from February 22, 1975 to March 16, 1975 for bilateral subdural hematoma.

A Yes.

Q So sometime before that he was in an automobile accident?

A Yes.

Q Did he hire a lawyer for that accident?

A I think so.

Q Do you know who it was?

A No.

Q Did he file a suit because of that accident?

A I don't know.

Q Do you know what injuries he sustained in that accident?

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A Yes, he bruised his shoulder. He had glass in his eye. That's about it for that accident.

Q Well, was the hematoma related to that, the subdural thing?

A Was it related?

Q Yes.

A Are you asking my opinion? I don't know.

Q Was it claimed to have been related?

A By who? Him?

Q By your father.

A Yes.

Q Do you know whether your father recovered any money as a result of that suit?

A I don't know.

Q Did your father ever drive a taxi cab?

A He told me that he did.

Q What city?

A I don't know. I think Newark.

Q Any other accidents involving your father?

A Yes, he was knocked off the moped in Bermuda.

Q Treated in the hospital there?

A Yes.

Q Your mother said he had a concussion; is that right?

A I don't remember.

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Q Any other accidents?

A No, I think -- that's all I can --

Q Do you know of any other lawsuits other than the one he had for injuries before he had the operation on his head? Any other lawsuits other than this one that your father brought or was involved in?

A No.

Q Up until 1982 when he went in for the cancer thing, how was his health generally?

A Good.

Q Do you recall periods of time when he was ill?

A No.

Q There were times he went in for his stomach?

A Well, I recall -- yes. I mean I don't ever recall him being sick. He had major medical problems.

Q Did he ever complain of general pains, aches, just not feeling well?

A Right. No, he never really complained about that.

Q Did he ever complain of any trouble sleeping?

A No.

Q On an average, how many hours did he sleep at night?

A I'd say six.

Q Do you remember your father ever donating blood?

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A No.

Q Were there times when he felt overly tired?

MR. WEINER: Object. What do you mean by "overly tired?" What do you mean "overly"?

MR. DROZDOWSKI: That's different from underly tired.

BY MR. DROZDOWSKI:

Q Were there times when your father complained of being more tired than -- it was so unusual you noticed he was complaining of being excessively tired?

A Like really run down?

Q Yes.

A No.

Q Do you remember your father ever saying he had tuberculosis?

A No.

Q Do you remember your father ever saying he had a tumor on his lung when he was younger?

A No.

Q Do you recall your father ever having any allergies?

A No.

Q Did your father ever suffer with asthma?

A No.

Q Did he ever suffer with laryngitis?

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A Laryngitis, no.

Q Do you remember him suffering with hoarseness?

A Yes.

Q When would that have been?

A The last two years of his life.

Q Do you remember him suffering with sore or strep throat?

A No.

Q Was he anemic?

A No.

Q Ever complain about that?

A No.

Q Did he complain about indigestion?

A When he had an ulcer, yes.

Q Would he take Maalox?

A Yes.

Q Was he taking that the last ten years of his life?

A No, never after the stomach operation.

Q Once that stomach operation was over, would he have any other stomach problems?

A Certain things would make him a little sick.

Q Like what?

A Chocolate.

Q Do you remember if he had any type of liver

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problems?

A. No.

Q. Complained of hepatitis, jaundice?

A. No.

Q. Ever have any complaints of prostate problems?

A. No.

Q. Any sinus infections?

A. No.

Q. Post nasal drip?

A. No.

Q. Did he have all his teeth?

A. No.

Q. He had what?

A. He had a bridge in the front, I think a bridge in the lower, too.

Q. Did he complain about these dentures?

A. Never.

Q. Did he ever cough?

A. Yes.

Q. When was the first time you recall his coughing?

A. When I was five.

Q. When was the first time you recall that he didn't have a cough?

A. I always recall him coughing.

Q. Did it ever get worse?

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A No.

Q The last year of his life, was he coughing worse or about the same?

A No, he wasn't coughing worse, no.

Q It would be fair to characterize him as having a chronic cough?

A Yes -- I don't know. Chronic is all the time?

Q Yes.

A Yes.

Q Daily, every day?

A Yes.

Q Did he ever seek treatment for this cough?

A No.

Q Did you ever ask him why he doesn't see somebody about the cough?

A No.

Q Did anybody in the family?

A No. We discussed it, but we never --

Q Was that part of the thing where you tried to get him to stop smoking?

A Yes.

Q Tell him, look, dad, stop smoking, it will help your cough, words to that effect?

A Yes, words to that effect.

Q Did he ever take any medication for his cough?

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A No.

Q Did he have any home remedies he took for his cough?

A Besides vitamins, no.

Q How about honey, did he ever put honey in his throat to soothe his throat?

A He did start using honey.

Q Would that be the last few years of his life?

A That would be about the last five or six years.

Q When he coughed, did he seem to have looseness in there, some material?

A Usually it was very hacking. Occasionally --

Q Would he cough more at certain times of the day than others?

A Gee, I really don't know.

Q Did he ever bring anything up when he was coughing?

A Occasionally, yes.

Q When was the first time you can remember that?

A Oh, I would say that that was a consistent thing throughout --

Q From the first time you have a recollection of his coughing?

A Yes.

Q Do you know anything about the material that

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was brought up? Can you describe it?

A Phlegm.

Q Did it ever seem to change as you got closer to '82? Was there a difference in consistency?

A No, I really don't --

Q Did you ever see blood come up?

A No.

Q Was he ever short of breath?

A Yes.

Q When was the first time you noticed the shortness of breath?

A Oh, probably, probably the last year of his life. That's difficult. He whistled a lot, I always thought he was -- he just whistled.

Q You're talking about wheezing?

A No. It was this very annoying whistle. He would whistle.

Q A tune?

A Yes.

Q You say a year before he died you noticed he was short of breath. How did you notice it?

A It was very evident in the last, say six months, I mean he couldn't walk across the room.

Q He would be breathing very hard?

A Yes. I mean very evident then.

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Q Prior to that?

A Prior to that he would say, when he would come up from the cellar, I would say maybe '80, 1980, he would say he would be out of breath.

Q Prior to that had you ever noticed him being out of breath with some exertion?

A No. And he played golf all the time.

Q Did he ever wheeze or his breath become very noisy?

A If he took a deep breath, maybe sort of wheezing.

Q When did you first notice that?

A Five, six years ago.

Q Did that change?

A As he got older?

Q Yes.

A He couldn't take as deep a breath.

Q Did any activity play a part in that? If he had to do something or exert himself more, would that be more prevalent?

A Yes. Like I say, going up and down the steps.

Q Did he ever complain of chest pains?

A No.

Q Did he ever complain of pains when he coughed?

A When he coughed?

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Q Yes, when he --

A Not that I remember.

Q Did he ever have any trouble swallowing at any time?

A No.

Q How about in the last six months to a year of his life, did he have any difficulty swallowing?

A I don't think so. In the last couple of months of his life, I mean he had trouble with everything.

Q I just want to know at any time before he died, did he have any difficulty that looked like a real problem for him to swallow?

A No.

Q Did he complain of any pain with swallowing?

A No.

Q What was his weight during the time you knew him?

A Well, when I was about five, he was, I would say, two hundred pounds. When they operated on his stomach -- he did go on a diet, he lost weight before that, as a matter of fact right before his ulcer perforated he was on a diet, he lost like ten pounds.

Q Did the doctor put him on a diet?

A No. He did it himself.

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Q Did he have some kind of system he used?
A Yes, he counted calories very closely, it was like a thousand calorie diet.
Q In fact, he made some kind of game out of it?
A Yes.
Q And he was able to cut his weight down using his own system?
A Yes.
Q Did you notice any change in his personality during the diet, any problems he was having?
A I didn't notice any.
Q And this was before the perforation of the stomach?
A Right. How after that his weight was about one forty-five. I don't think it changed much after that.
Q That was after the stomach --
A Right.
Q After he had that part of his stomach removed, did he change his pattern of eating food, the type of food he ate?
A He didn't eat chocolate any more. He didn't eat any sweets. I don't know if he was a big sweet eater before that or not. But he did change that.
Q How about in the type of food he ate, for

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example, would he switch from meat and go into more fish?

A No, I don't think he made a change like that.

Q Did you eat dinner with him every night?

A Yes.

Q And you don't remember --

A I didn't notice any difference.

Q You don't remember any difference from the time before he had part of his stomach removed until after he had the operation?

A No; except he used to eat big salads.

Q Did your father ever have any growths or tumors that you know of? I'm not talking about what he had in August of '82.

A No.

Q Did he have any moles or --

A On his back.

Q Did you notice any changes in them?

A No. They were pretty much the same.

Q Ever suffer with gout?

A I don't know.

Q Rheumatism?

A No.

Q Arthritis?

A No.

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Q Complain of sore back?

A Yes.

Q What circumstances?

A In what circumstances did he complain?

Q Yes.

A If he was on his feet all day, his back hurt. He didn't have very good posture.

Q Did he ever see a doctor for his back?

A He went to a chiropractor.

Q Was that Dr. Bruce?

A Yes, that sounds familiar.

Q Do you know what Dr. Bruce did for him?

A Probably took a lot of money.

Q Pardon?

A I don't know.

Q Did your father have any trouble with his eyes?

A No.

Q Did he wear glasses?

A To read.

Q Did he have an ophthalmologist or optometrist?

A No.

Q Did he buy them himself?

A At Woolworth.

Q Did he ever have any problems with his hearing, any hearing problems?

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A I would say minor hearing problems.
Q Did he ever see a doctor for it?
A No. He was getting old, I think.
Q Did he ever suffer with rheumatic fever?
A No.
Q Scarlett fever?
A No.
Q Measles?
A No.
Q You don't know?
A No.
Q Did he ever tell you he had leukemia or Hodgkins disease?
A No.
Q Any other illnesses that you know of?
A No.
Q Did he ever say he worked any place where he had to get physicals for employment?
A No.
Q Do you know how far your father went to school --
A I do remember that, the place for physicals, but I don't remember the name of it. But he did say that.
Q He went to a place to get a physical for work?
A Yes.

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Q Is there anything else you remember about it other than he went for a physical? A city, place, time?

A No, I really have no idea.

Q Would he have x-rays taken on a regular basis or taken at any time?

A When he was in the hospital.

Q Other than that?

A No.

Q When did you first notice your father was ill from that condition which made him go into the hospital in August of 1982? If my question is clear.

A Repeat it?

Q He went in the hospital in August of '82?

A Right.

Q When did you first notice he was having a problem which eventually led to that hospitalization?

A May of -- the prior May.

Q May of '82 or May of '81?

A Oh, no, May of '81, I'm sorry. He went in the hospital August of '82?

Q Right.

A So that May -- it must have been -- well, I'm trying to think when I got back from, from England. It must have been May of that year.

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Q May of '82?
A Yes.
Q You're talking about three or four months before?
A Right.
Q Were you at home at that time in May of '82?
A Yes.
Q You mentioned something about when you got back from England?
A Yes.
Q When did you get back from England?
A It must have been May of '82.
Q You got back in '82?
A It must have been.
Q Excuse me?
A It had to have been, yes.
Q When did you arrive in the United States from England?
A I can't remember what went on here. It must have been May of '81 that I got back -- no. It had to be May of '82. May of '82.
Q All right, you got back in May of '82?
A Yes.
Q And you say sometime around May of '82 your father became ill?
A He then had medical problems, yes.

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Q What did you notice?

A Swelling ankles. That's the first medical attention that he received.

Q Both ankles, or one?

A One.

Q Which ankle?

A Left.

Q Did you ask him what happened?

A Yes.

Q What did he say?

A He thought when he dropped a drill on it that he hurt it, that it was swollen because of that.

Q What kind of drill?

A Electric drill.

Q And was there a puncture --

A That wasn't the reason. But that's what he said.

Q What was the reason?

A The reason was --

MR. WEIMER: I'm going to object if you're asking the witness for a medical conclusion.

MR. DROZDOWSKI: He said that wasn't the reason. I'm just asking if that wasn't the reason, what was the reason. He said there's a reason.

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MR. WEINER: If he knows the reason.

If you're asking for medical causation --

BY MR. DROZDOWSKI:

Q I asked you whether it was a puncture, and you said no?

A Right.

Q What did you observe about it?

A That it was swollen.

Q Did you ever determine what caused the swelling?

A I never did. He went to the doctor. The doctor said it was circulatory problems.

Q Which doctor did he go to?

A Borenstein.

Q This would be in May of '82?

A Yes.

Q What did his foot look like at that point?

A Swollen and a little bit red.

Q Was he treated at Our Lady of Lourdes Hospital for that condition?

A That's right, he did go there first.

Q Did you take him to the emergency room?

A Yes.

Q Did you take him back three or four days for treatment at the emergency room thereafter?

A Possibly. I don't recall that. I recall the

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initial emergency room, yes.

Q What did they do for him there?

A Wrapped it.

Q Anything else?

A No.

Q Did they tell him to see the doctor?

A Yes.

Q Now, with that condition, did the swelling remain?

A Yes. Yes, it remained.

Q Give me the chronology, what did he do?

A Then he went to the doctor, they gave him one of those stockings --

Q Which doctor?

A Borenstein.

Q Did you go with him?

A No.

Q Did he tell you what Borenstein said about the problem?

A No. My mother did.

Q What did your mother tell you?

A That it was a circulatory problem.

Q What did Dr. Borenstein do for him other than give him the wrap?

A Other than tell him how to reduce it, he didn't

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give him any medication, I don't think.

Q How did that condition progress?

A It reduced it somewhat.

Q Was he having other problems at that time or about that time?

A Yes. He was having problems -- like he wouldn't really know where he was.

Q Disoriented?

A Disoriented, yes.

Q When was the first time you noticed his disorientation?

A Maybe July.

Q Of '82?

A Yes.

Q Did you ever notice him disoriented before 1982 at any time that you recall?

A With the blood clot.

Q Eventually he got over that; right?

A Yes.

Q Is that correct?

A Yes.

Q Now, sometime in '82 you noticed this disorientation?

A Yes.

Q Is it your testimony that the first time you

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remember this disorientation is in July?

A Yes.

Q How did that manifest itself that you knew he was disoriented?

A I walked in and he asked me a question that made absolutely no sense.

Q Anything else that would indicate to you the disorientation?

A He did that once or twice, he did that a couple times.

Q Now, were there any other problems during that period of time?

A Yes, lost his voice.

Q You mean he couldn't talk at all?

A Yes.

Q Now, he had a hoarseness you described?

A Yes.

Q From the time you knew him, did that hoarseness get worse to the point he actually lost his voice?

A Yes.

Q Did he complain of pain when he attempted to cough?

A No.

Q Did he complain of pain when he attempted to swallow?

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A I don't recall that.

Q Did his appetite change at any time around there?

A Yes. I think he experienced a loss of appetite.

Q Did you ever talk to him about it?

A Yes.

Q What did he say?

A I said, "What do you think is wrong with your throat?"

Q What did he say?

A "I have cancer."

Q When did he make that statement?

A Maybe a week before he would have been hospitalized.

Q The records indicate that he was hospitalized at Temple University from August 4, '82 to August 18, '82.

A It was in that last week in July, maybe the middle of July.

Q Had his weight changed any in 1982?

A Yes, he lost a lot of weight.

Q How much weight do you feel he lost?

A Twenty pounds.

Q Was the weight loss due to his not eating?

A I don't know.

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Q Well, were you still eating with him?
A Not every night, no, not on a regular --
Q Did your schedule change, or his?
A Mine.
Q Did he complain to you about anything affecting him?
A Just said he didn't feel well.
Q Did he tell you any specific parts of his body that were paining him?
A I don't remember. I really don't remember. His stomach may have hurt. You said "throat" so many times, maybe he did say something about it.
Q I'm not trying to put words in your mouth.
A I realize that. I'm just saying, you know --
Q Did he stop smoking in May of 1982?
A I don't think so.
Q Did he stop smoking in June of 1982?
A No. But I remember him cutting way back.
Q How do you remember that?
A How do I remember that?
Q Yes.
A He told me.
Q How much was he smoking in June?
A I really don't recall.
Q How about July of '82, was he still smoking?

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A Yes.

Q How about by the time he was taken to the hospital, was he smoking just before he went into the hospital?

A He even smoked after he came out for maybe a week.

Q So he left the hospital around August 18, '82. For that week, for the first week he was home, he still smoked?

A Whenever he could. He was still out of bed, so he got cigarettes.

Q Do you know how much he smoked?

A No.

Q When was the last time he smoked, as far as you know?

A I don't know. I don't know.

Q Were you living at home at that time?

A No. Oh, well, up until September, yes.

Q Of '82?

A Yes.

Q Where did you go after that?

A Back to school.

Q So you had an opportunity to see him after he got out of the hospital up until September what?

A September 1st.

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Q Would you come home again on weekends?

A Yes.

Q Did you know or did anybody say anything about your father's stools, whether there was blood or changes of colors in it?

A Yes, maybe five months before -- I don't know if that's five months, a couple months before he was hospitalized, he said it had become very dark.

Q Did he go to a doctor and tell him that?

A Yes.

Q Who did he see?

A Borenstein.

Q Did you learn that this swelling of the leg was in any way related to cancer?

A No.

Q Did you learn that the swelling of the leg that he had was not related to cancer?

A No.

Q Was there any doctor that reached any opinion as to what the relationship of that swelling of the leg and the condition your father died of?

A Yes, Borenstein said, "He's got a few problems. He has the circulation problem. He has maybe a liver problem." I think he said, he said, "But right now he has cancer, and that takes precedent over every other

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problem."

Q When did Borenstein say that?

A August.

Q When did you first hear a doctor say your father had cancer?

A Never.

Q Except Borenstein?

A Borenstein.

Q No other doctor ever stated that to you?

A No.

Q Do you know the doctors who treated your father for this cancer condition?

A No, I don't.

Q Do you know their names?

A I can't remember them.

Q Do you know what was done for your father at the hospital, Temple University?

A After they diagnosed cancer?

Q Yes.

A They diagnosed cancer, they admitted him as an outpatient and gave him radiation treatment.

Q Did you see your father at the hospital at Temple?

A Yes. I met the doctors.

Q You don't know their names?

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A No.

Q Does the name Lerner mean anything to you?

A Oh, right.

Q Did he talk to you?

A Yes.

Q What did he tell you?

A "He has cancer. It's not worth an operation." He says, "There's just . . . we're going to release him. We're going to . . ."

Q Did you talk to any other doctor who treated your father?

A I talked to Borenstein.

Q What did he tell you?

A When he was first admitted, "If the major tumor is in the lung, if they don't operate on that tumor, it may shrink the tumor in his brain."

Q Somebody told you there was a tumor in his brain?

A Yes.

Q Who told you that?

A Borenstein.

Q That was after the hospitalization, or during the hospitalization?

A During the hospitalization.

Q Anybody else talk to you about your father's

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condition, give you any information?

A There was another doctor who was testing him because of his disorientation, he came to the conclusion that it wasn't the result of a stroke or something like that.

Q Not as a result of what stroke?

A A stroke.

Q Did you notice your father disoriented in the hospital?

A In the hospital?

Q Yes.

A Yes.

Q How great or little was this disorientation?

A Well, it increased. When he first went in, he knew he was in the hospital, by the time he got out, he didn't know it was a hospital, he thought it was a hotel. A pretty rapid decline.

Q Did you see your father regularly at the hospital?

A Yes.

Q Who would go there with you?

A My mother.

Q How about your sister?

A No.

Q Did she ever get a chance to see your father in

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the hospital?

A I think she did go down once to the hospital.

Q She was up in North Jersey?

A Yes.

Q Do you know anything about the treatment that was given to him in the hospital?

A In the hospital?

Q Yes.

A No. I don't know that they did all that much once they diagnosed cancer. They may have given him some radiation treatments while he was there.

Q Did he go back to Temple Hospital for radiation treatment?

A Every week or every couple days.

Q Who took him?

A My mother.

Q Your father died on November 21st?

A Yes.

Q From the time he was discharged on August 18th, to November 21st, how much time did he spend at home?

A Every minute.

Q Other than going over to --

A Other than Temple Hospital.

Q During that time, how much time was he confined to bed?

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A Almost a hundred percent of the time.
Q You were in a two story home?
A No.
Q One level?
A Yes.
Q The bedroom would be on the first floor?
A Yes.
Q Who attended him during this period of time?
A My mother.
Q Were there any doctors?
A No. There was a nurse for a brief amount of time.
Q Do you remember her name?
A No.
Q Are you saying no doctors came to your home to attend your father?
A Not that I recall.
Q Now, from September 1 through November 21, you would be mainly at Saint Joe's; right?
A Yes.
Q You would be home on Saturday and Sunday?
A Yes.
Q Friday night?
A Yes. And mostly Wednesdays, too.
Q Was he in pain during that time? I'm talking

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about from August 18th to the time of his death.

A Well, he was very sore, obviously from being bedridden. He couldn't breathe very well. I don't know that he was in -- his face didn't seem to reflect a lot of, you know, sharp pain.

Q Now, you say the first week he came home he smoked?

A I would think. He always asked for cigarettes, always.

Q Did you actually see him smoke?

A I think the first day he was home, yes.

Q Do you know whether he was taking medication?

A No.

Q Was he taking pain killers?

A I don't think so.

Q Was he complaining of pain?

A He was complaining -- no, not really.

Q From the time he came home till the time he died, did he ever complain of pain?

A No, not really.

Q Who were the people who would come in to see him during that period of time?

A Oh, my sister --

Q How often would she go there?

A Every week.

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Q. Saturday and Sunday?
A. Friday night.
Q. You?
A. Me, my mother.
Q. Anybody else?
A. Bill Mack.
Q. Who is Bill Mack?
A. A friend of my sister's.
Q. Where's he live?
A. I really don't know. North Jersey somewhere.
Q. Is that her boyfriend?
A. Yes.
Q. Do you know what he does for a living?
A. He's a psychologist, I believe.
Q. Would he be there to accompany your sister?
A. Yes.
Q. Do you know his address?
A. No.
Q. Did he know your father before his illness?
A. Yes.
Q. How often would he meet your father?
A. Twice a year, three times a year.
Q. Is Bill Mack a smoker?
A. No.
Q. Do you know what his attitude was towards

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smoking?

A No.

Q Did he ever tell your father to stop smoking?

A No, I don't know.

Q Now, Bill Mack, who else besides Bill Mack, you, your mother, your sister attended your father?

A That was just about it.

Q Now, during the period when he came home, August 18th, until the time he died, what was his mental status?

A He was very disoriented, but he would have times where, when he had presence of mind.

Q So there were times when he was mentally coherent, and there were times when he was not?

A Right.

Q It may be hard for you to judge, did he seem to be more incoherent than not?

A He knew he was sick.

Q Did he know where he was?

A No.

Q Did Dr. Borenstein come to see him during that period of time, August 18th to November 21st?

A I don't recall him there. He may have.

Q Do you know Dr. Costino?

A Yes.

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Q Do you know whether Dr. Costino attended your father?

A Yes, I think he did.

Q Did you ever see him there?

A No.

Q Did you ever talk to Dr. Costino before your father's death, or after your father's death about what he did for your father?

A No.

Q Do you know what he did?

A No.

Q Do you know what day of the week it was when your father died?

A Sunday morning, I believe.

Q Excuse me?

A Sunday morning.

Q He died at home?

A Yes.

Q Who was present when he died?

A My mother, my sister, myself and Bill Mack.

Q Was somebody brought in to pronounce his death?

A Yes.

Q Who was that?

A The ambulance people.

Q When he died, tell us what happened.

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A When we woke up, he had died through the night.
Q What happened?
A What happened?
Q Yes. What did you do?
A We called the ambulance, they came, they pronounced him dead. We called the reverend, undertakers, and they came.
Q Before he was taken out of the home, did any doctor come in to look at him?
A No.
Q Would I be fair in saying it was strictly an ambulance crew that came out?
A No -- well, they came out and radioed his vital signs to the hospital.
Q There was nobody that described himself as a physician?
A No, I don't think. I think he was pronounced from Lady of Lourdes or whatever.
Q Do you know anything about how his death certificate was filled out?
A I think Dr. Costino did that.
Q Do you know the circumstances around that, why -- was he his family doctor?
A No.
Q Dr. Borenstein was the family doctor?

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A If you can consider -- I don't think my father had a family doctor. He was our family doctor, but, you know --

Q He had been under the care at some point in his life by Dr. Borenstein?

A Yes.

Q He had never been treated by Costino, had he?

A No.

Q Why was it that Costino was contacted?

A He was his nephew.

Q Did you talk to Dr. Costino after your father's death?

A Yes.

Q What did you talk to him about?

A Just -- I don't know who made the decision for him to fill out the death certificate, I imagine my mother did. I was just present as he was doing it. I asked him why he filled things out the way he did on the death certificate.

Q Do you remember what it said on the certificate?

A Well, it says -- I don't remember the wording. "Immediate cause of death."

Q And what did he say it was?

A Cardiac arrest or something. I asked him why he said that, when I thought it would have been cancer.

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Q And what was his response to that?
A "You die because your heart stops." He said it was a procedural thing.
Q Did you or anyone like your sister or your mother talk to any doctor about what was the cause of your father's cancer?
A I don't know -- I didn't.
Q Do you know if your sister or mother did?
A I really don't know.
Q Were you ever told by them or anyone else that the doctors made any statement to that type of question?
A No.
Q Did your father leave a will?
A Yes, he did.
Q And your mother was the executrix of the will?
A I don't know.
Q Was there anything in the will that dealt with your father's burial?
A I never read the will. It was never read to me.
Q Had your father talked about his burial before his death?
A Yes.
Q Was it cremation?

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there being a discussion about bringing a suit on his behalf against cigarette companies?

A. Yes.

Q. And at that time did he participate in the decision of bringing a suit?

A. I would imagine. I wasn't directly involved in that decision at all.

Q. Were you indirectly involved?

A. I was living there, I was in the house.

Q. What was being said and done?

A. I really don't know. They, they had talked about it. I imagine they asked him if it was okay. I think I recall them asking him if it was okay, and he said yes.

Q. Who is "they"?

A. My mother and sister.

Q. Do you remember the conversations that took place?

A. With my father?

Q. And you and anything that had to do with bringing the litigation.

A. I wasn't involved in any of that.

Q. Well, were they reported to you?

A. Not really. They asked me, or they asked -- they told me that they asked him, and he said he

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wanted to do it.

Q Asked him to do what?

A If he would -- they asked him if he would -- they told him what they wanted to do, to bring a lawsuit or whatever, and apparently they needed his consent for something, I don't know, and he said yes.

Q Do you know specifically what they told him they wanted to do?

A I don't know specifically, no.

Q And "they" would be your mother and your sister?

A Yes.

Q Do you know whether at that time your mother, your sister or anyone else, including yourself, asked him about what cigarettes he's been smoking all his lifetime?

A Yes -- I don't recall that. They asked my mother, or my sister asked my mother, I think this was -- I don't think my mother had this --

Q Let me ask you something, your mother and your sister has this thought of suing the cigarette companies --

A I don't think it was my mother's thought.

Q It was your sister's thought?

A I don't know whose thought it was.

Q Was it your father's idea?

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A No, I don't think so.

Q Do you know whose idea it was?

A I don't know, no.

Q In suing cigarettes companies, would I be fair in saying a person would want to find out what cigarettes your father was smoking; is that right?

MR. WEINER: I'll object to that. This witness cannot possibly know the answer to that. You're really asking him for a legal opinion in any event.

Q Did you know all the cigarette companies, all the cigarettes your father smoked throughout your father's lifetime?

A No.

Q Did your mother know?

A I don't know.

Q Did anyone ask your father from the time there was this idea of starting the suit against the cigarette companies, did anyone ask your father about all the cigarettes that he smoked all his life, what cigarettes, when?

A I don't know --

MR. WEINER: I'm just registering an objection. You're asking him anyone other than attorneys?

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MR. DROZDOWSKI: Anyone other than the family?

MR. WEINER: Excluding attorneys?

MR. DROZDOWSKI: Well, if you can bifurcate a daughter and an attorney, I don't know how you do it.

MR. WEINER: Obviously Susan Reach does not represent the family. There may have been conversations between myself and my firm and the family. If he knows about them, I don't know that he does, you cannot ask him about those.

MR. DROZDOWSKI: I'm not interested in anyone outside the family.

MR. WEINER: Do you mean exclusive of conversations there may have been between my firm and Mr. Reach, Mrs. Reach, or Gary?

MR. DROZDOWSKI: Wait a minute, I think we're entitled to know whether there were conversations, with whom the conversations were, even then that's not privileged. What the conversations were may have been privileged.

MR. WEINER: I don't understand why you're entitled to know whether there were or not. Why wouldn't that come within the

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privilege? Explain it to me. Pretend I'm ignorant.

MR. DROZDOWSKI: I thought the privilege is the communication itself, not the fact that the communication took place.

MR. WEINER: You're asking him -- potentially we're defining the subject of the communications.

MR. DROZDOWSKI: What I want to find out is whether or not someone talked to his father about obtaining a history of his father's smoking.

BY MR. DROZDOWSKI:

Q. Was there anybody from your immediate family who talked to your father with the idea of obtaining a history of all the brands that he smoked, the time he smoked them, from the time he started till the time he died?

A. I honestly don't know. I don't recall. I was never there.

Q. Did anybody take any photographs of your father in the last six weeks?

A. No.

Q. As far as you know, did your father write anything out with regard to his smoking history?

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A I don't know.

Q Do you know whether any recordings were made of his smoking, any statements or recordings?

A I know this, someone, now I don't know whether, what law firm it was, asked my uncle Al Roach what cigarettes, he told me that when I was in Florida.

Q I'm just trying to find out from the time you were at home until the time of your father's death whether anybody took any statements from your father, anybody took any recorded statements or got any information from him with regard to his smoking history, how much he smoked, when he smoked, what brands, things like that?

A From him?

Q From him.

A I really -- I don't really know. Now there was a time when they asked him to sign something, but I don't know what it was.

Q Who's "they"?

A My sister, my mother. But I don't know what that was.

Q When was that in relation to his death?

A Maybe a month before, the month before.

Q Did you ever see what the document was?

A No.

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Q Never inquired?

A No.

Q Sometime earlier you mentioned having a conversation with your father and there was some relationship of time when there was some comments about ads being taken off TV?

A Yes.

Q You brought that up, and I can't remember the context. What was the significance of that? What did your father say at that time or what did you say?

A I don't recall, I don't recall why I said that either.

Q Does that mean anything?

A I think that was about the same time as I was in school they were saying things about it in school.

Q About what?

A About, you know, in eighth grade you have the little course on narcotics and tobacco and stuff, I think that's when -- I don't -- I think I was placing that --

Q You're saying or using the phrase that this was the time when the ad came or were taken off TV?

A Right.

Q What did you use that expression for?

A Today you mean?

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Q Yes.

A I don't recall what we were talking about. Maybe I said -- I don't really recall. I'm not sure. I remember saying it, but I don't remember what we were talking about.

Q Did your father make any comment about when the ads were taken off TV?

A I think I may have, saying, you know, "Obviously they're no good for you, they're taking ads off the TV. They're putting warnings on the packs," and everything like that.

Q And what did he say to that?

A I think he -- most likely I think he said, "Oh, well, they're bad for me, that's why I take vitamins."

Q But taking the ads off TV was not significant in itself?

A No.

Q Did you have any conversations with your sister about bringing a suit on behalf of your father?

A No.

Q Is Dr. Borenstein still your doctor?

A Yes.

Q Is he still alive?

A Yes.

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Q Do you know whether your sister had any conversations with your mother or anyone else with regard to bringing suit on behalf of your father?

A I'm sure she talked about it with my mother.

Q Do you know that for certain?

A Yes.

Q What was said?

A I don't know.

Q Do you know whether she talked to anyone else with regard to bringing the suit?

A No, I don't know who she talked to.

MR. DROZDOWSKI: I have no further questions.

BY MR. SLATTERY:

Q I wasn't here at the beginning, my name is William Slattery. You testified at some length as to conversations that you and Susan had with your father about stopping to smoke. Did you have any conversations with your mother with respect to her stopping smoking?

A Yes, I asked her how much she smokes, couple times I've asked her that. She said she smoked, you know, a pack or less a day. She smokes lights, and she tries to moderate her smoking.

Q Well, did you ever ask her to stop in the same

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way you asked your father?

A The same way I asked my father?

Q Yes.

A Never as much. I may have mentioned to her, you know, "Why don't you quit, it would help him."

Q I gather you were less concerned about her smoking than your father's smoking?

A I was less concerned about the amount that she smoked.

Q Did you ever have a conversation with her in which the subject of her being a bad example for your father in his efforts to stop or to give them up?

A When he got back from the hospital, from Albert Einstein, he had got the blood clots removed, I mentioned that. She said she wasn't smoking around him, she would only smoke alone in the car, you know, going somewhere. She wouldn't leave cigarettes around. So she did try to --

Q Did she continue that?

A She continued that until he started smoking regularly again.

Q And then she would continue smoking in his presence?

A Yes.

Q Did you ask her to stop?

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A No.

Q Do you know whether Susan had conversations with your mother with respect to her stopping?

A I don't know.

Q I gather from that you were not present during any such conversation?

A Between my sister and my mother?

Q Yes.

A About my mother smoking?

Q Yes.

A No, I don't think I was present.

Q Did Susan ever discuss your mother's smoking with you?

A No.

MR. SLATTERY: That's all I have.

BY MR. SELLINGER:

Q Mr. Reach, my name's Philip Sellinger. I believe you testified earlier this morning that your father enjoyed smoking after dinner; is that right?

A Yes.

Q Smoking relaxed him?

A I don't know what it did. He told me he liked to have a cigarette after dinner.

Q I believe you testified that smoking relaxed him; is that correct?

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A If I said that -- I wouldn't say that's incorrect. Yes, he said it relaxed him. Yes, okay.

Q He said it relaxed him?

A I guess it did.

Q He said it relaxed him?

A Yes.

Q Basically he said that the reason he smoked was because he enjoyed it and because of the --

MR. WEINER: Are you asking generally, or only after meals?

MR. SELLINGER: I'm asking generally.

THE WITNESS: I believe that I said earlier that he likes to relax with a cigarette after eating.

BY MR. SELLINGER:

Q Well, I'm asking you generally now. Are there any reasons that he smoked beyond relaxation and enjoyment? Did he ever tell you?

MR. WEINER: Now he's answering as to after meals. Are you asking the question generally?

MR. SELLINGER: I'm asking generally.

BY MR. SELLINGER:

Q Let me start it again. I take it your father never told you he didn't enjoy it any other time of the

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day; correct?

A He said -- well, when he said to me "I wish I could stop," I assumed that he meant he didn't like to, you know, he wasn't --

Q Did he ever tell you that he didn't like smoking?

A No.

Q So the only statements he made about enjoyment were that he did enjoy smoking; is that correct?

MR. WEINER: You're taking it out of context.

MR. SELLINGER: I'm asking a question.

MR. WEINER: You're characterizing a previous answer. He said after meals.

MR. SELLINGER: I'm not characterizing, I'm asking a question. The question stands, if he can answer it.

MR. WEINER: You're asking him if that was his statement?

MR. SELLINGER: Can you read back my last question?

(At which time the question, "So the only statements he made about enjoyment were that he did enjoy smoking; is that correct?" was read back.)

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THE WITNESS: Do I remember him actually saying I enjoy smoking? You know, he never actually said that to me. If he said something like, "I like to relax with a cigarette after dinner," you know are you asking me what I think he meant by that?

BY MR. SELLINGER:

Q No. Your best recollection is that he told you he enjoyed relaxing with a cigarette after dinner; correct?

A Right.

Q And he told you that's why he smoked after dinner; right?

A Yes.

Q Did he tell you he smoked any other time during the day other than for the reason of relaxing with a cigarette?

A Oh, sure.

Q What did he say?

A He would say to me like when we were golfing, I said, "Why are you lighting up another cigarette? You just had one." And he would say, "I don't know." He would say, "I don't know. I just . . ."

Q "I just . . ."?

A "I just did it out of habit." What he used to

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do is hit a ball and light up a cigarette, go to the next tee, light up another one. I said, "Why are you . . . you just smoked a cigarette." And he would say, "I don't know, I just did it."

Q You testified before that your father was made aware from a number of people of the risk of smoking; is that correct?

A Yes.

Q And he showed you an article on cancer and vitamin C; is that correct?

A Yes.

Q And I take it the article said that smoking can cause cancer?

A It had nothing to do with smoking.

Q It said that vitamin C can cure or prevent cancer?

A It said it was a case, it wasn't an article, okay, it was a case where a man had cancer and took large doses of vitamin C, and when he went back, he didn't have cancer any more.

Q And your father started taking vitamin C; correct?

A Yes. Even probably before that, though. I don't think that was the article that clenched him into taking vitamins.

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Q Well, I took it from you that part of the reason why he took vitamin C was to prevent from getting sick and prevent from getting cancer; is that correct?

A Yes.

Q And he was hoping by taking vitamin C that he would keep himself from getting sick or getting cancer; correct?

A I would -- sure, that's why.

Q So basically your father said that whatever benefits he got out of smoking, even if he didn't articulate them to you, the benefits that he got out of smoking in conjunction with the precautions which he took out weighed the risk of smoking cigarettes; is that correct?

MR. WEINER: I'm going to object to that question. There's been no testimony about him getting any benefits from smoking. I'm going to direct him not to answer the question in that form, unless you define what you mean by "benefits" in the context of that question.

MR. SELLINGER: You're going to direct him not to answer? Are you asking for clarification?

MR. WEINER: If you don't clarify what you mean by "benefits of smoking," I will make

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that direction.

MR. SELLINGER: I'll rephrase the question, although I think you well know you're not permitted to instruct the witness not to answer on those grounds.

MR. WEINER: Save it for a judge.

BY MR. SELLINGER:

Q Did your father essentially conclude that whatever enjoyment or relaxation he got out of smoking was greater or out weighed whatever the risk of smoking was?

A I can't say that he concluded that, no. Because from what he said to me his entire life about smoking, I don't think you can make -- I don't think you can conclude that. I don't know that he ever consciously made a cost benefit analysis of it.

Q Did he ever say to you that for whatever reason he still smoked although he recognized the risks?

MR. WEINER: Is that a question?

THE WITNESS: Did he ever say --

Q Did he ever give you any reasons for smoking, although he recognized what the risk of smoking was?

A The reason he gave me for still smoking was he said he couldn't stop, he said he tried and couldn't stop.

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Q One more question. You, Susan, Dr. Borenstein, told your father about the dangers of cancer; is that correct?

A Yes.

Q And you also testified that your father told you and other people that they shouldn't smoke; is that correct?

A Yes.

Q Is one of his justifications for telling you and others not to smoke was because of cancer? Did he ever say cancer is one of the reasons why you and others shouldn't smoke?

A I don't think he, I don't think he ever said it. No, I don't ever remember him saying you'll get cancer.

Q Did he ever say that smoking could cause cancer and therefore you shouldn't smoke?

A He was aware that it, you know, he was aware that he would, that smoking could. Did he ever tell me that? I think it was more I was aware of that from other sources.

Q Did you ever hear him say to somebody that smoking could cause cancer?

A No, I never heard that.

Q You never heard him say that?

A No.

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BY MR. WEISER:

Q Just to clarify something, you mentioned a phrase "rather fight than switch" earlier right after lunch. What was the context that triggered that phrase?

A I believe I was being asked what kind of cigarettes did my father smoke, for some reason I thought he had smoked that type.

Q Do you know why you thought that?

A Yes, I remember seeing the commercial, and I thought I remembered him having them in his jacket.

Q Well, when you say "I thought I remember," are you saying you have a memory?

A Well, I have a memory of him having another brand besides Benson and Hedges, and what I remember was that commercial, and seeing cigarettes. But there's two types, there's the Viceroy and Tarryton that have similar packaging, and I can't recall which one it was.

Q Do you know whether or not Dr. Borenstein was available to take care of your father in the last week of your father's life?

A No, at that time I wasn't -- I didn't think of why he wasn't there.

Q Do you know now?

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A Now I know, yes.

Q Based upon your own recollection or conversations with people other than myself, do you know why?

A No.

Q Do you recall earlier that I suggested to you that Dr. Borenstein was in the hospital and that seemed to --

A Yes, that triggered my mind.

Q Did that refresh your recollection when you made that statement earlier?

A Yes.

Q What is your recollection that has been refreshed?

A Yes, he was in the hospital at that time, I remember that after you said it. That's all I can tell you.

MR. WEINER: Thank you.

BY MR. DROZDOWSKI:

Q Let me just get something straight in my mind. This Tarryton, and "I'd rather fight than switch," I'm a little confused. Do you have a present clear recollection now that your father smoked Tarryton cigarettes?

A No.

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Q You talked to your mother about what he smoked?

A Yes.

Q You asked her if she smoked Tarryton?

A Yes.

Q And she said, no, she did not smoke Tarryton?

A I said, "Do you remember that?" I asked her, and she said, "Oh, do you remember that?" And I said, "Oh, I'm not sure!" And I would hold to that. I don't know. I'm sorry I brought it up.

Q But you're not coming here and testifying that he smoked Tarryton?

A No, I'm not.

Q And your father never discussed that commercial with you, "I'd rather fight than switch," did he?

A No.

MR. DROZDOWSKI: That's all I have.

BY MR. SLATTERY:

Q You testified earlier, which is probably this morning, answering one of Mr. Drozdowski's questions, when you were seven, you recall he may have had a pack of Viceroys. And in response to Mr. Weiner's questions, I think you're saying you're not sure?

A I am sure, he had Viceroys. There's another time when I thought he had, but I wasn't sure which one it was, but I distinctly recall Viceroys now.

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Q You saw a pack of Viceroys in the house. Isn't it a fact that your mother smoked Viceroys?

A I don't know.

MR. SLATTERY: That's all I have.

(Witness excused.)

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C E R T I F I C A T E

I, WALTER N. KLAUDER, Certified Shorthand Reporter and Notary Public of New Jersey, do hereby certify the foregoing to be a true and correct transcript of my stenographic notes of the deposition of GARY STEVEN REACH, taken at the offices of Budd, Larner, Kent, Gross, Picillo & Rosenbaum, P.C., 216 Haddon Avenue, Westmont, New Jersey, on Wednesday, September 26, 1984.

Walter N. Klauder

DATED: October 1, 1984

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